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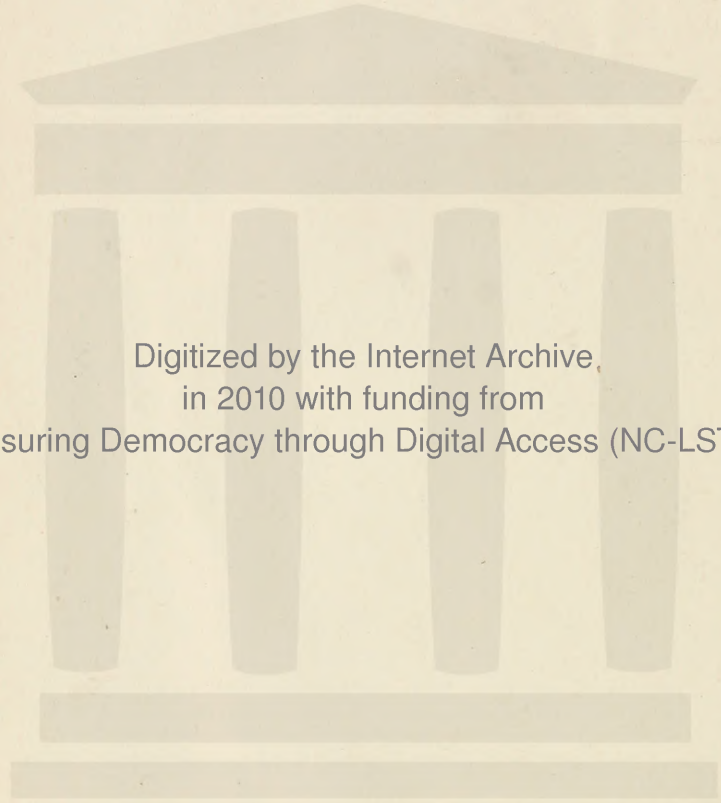
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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1913

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE EIGHTH DAY OF JANUARY, A. D. 1913

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1913

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OF THE

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

SESSION 1913

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CHAPTER 1.

AN ACT TO AMEND THE CERTIFICATE OF INCORPORATION OF THE CHILDREN'S HOME OF WINSTON-SALEM, NORTH CAROLINA.

Preamble. Whereas G. H. Detwiler, Walter Thompson, J. A. Glenn, G. L. Hackney, Frank Siler, N. R. Richardson, George F. Ivey, J. K. Norfleet, Harold Turner, C. H. Ireland, J. L. Nelson, and S. L. Rogers did by certificate of incorporation dated thirteenth of May, one thousand nine hundred and eight, and filed in the office of the Secretary of State, June twelfth, one thousand nine hundred and eight, form a corporation under the name of the Children's Home (Incorporated); and whereas a majority of said incorporators who are designated in the certificate of incorporation as a board of directors and a majority of said corporation, and also the Western North Carolina Conference of the Methodist Episcopal Church, South, have petitioned the General Assembly to amend and enlarge the powers of said corporation as hereinafter set forth: Now, therefore,

The General Assembly of North Carolina do enact:

Corporate name. SECTION 1. That the name of said corporation shall be the Children's Home (Incorporated).

Board of trustees. SEC. 2. That all the corporate powers of said corporation shall be vested in and exercised by a board of trustees, not exceeding twenty (20) in number; that T. F. Marr, Harold Turner, H. K. Boyer, N. R. Richardson, C. H. Ireland, J. K. Norfleet, J. A. Glenn, S. L. Rogers, J. L. Nelson, G. F. Ivey, George L. Hackney, and Walter Thompson, who now constitute the board of trustees, and such additional persons as the present trustees shall elect, not exceeding eight (8) in number, shall be and constitute the board of trustees, and the board shall fill all vacancies that may occur in said board. All elections to membership in the board of trustees shall be subject to the approval of the Western North Car-

Vacancies.

Approval of election.

olina Conference of the Methodist Episcopal Church, South, at the next ensuing session of the said Conference after such election or elections: *Provided*, that such trustee or trustees so elected shall have full authority to act in the capacity of trustee or trustees in the interval between the date of such election or elections and the date of his or their rejection or approval by the said Conference at its session following next after such election or elections. At the meeting of the board, which shall be held at the call of the president, after the ratification of this act, as hereinafter provided, the board shall prescribe the terms of office of each member of the existing board of trustees, and whenever any additional member is elected the board shall prescribe his term of office.

Proviso: trustees to act pending approval of election.

Terms of office.

Meeting for organization.

Notice of meeting.

Election of officers.

By-laws.

Duties and powers of officers and agents.

Executive committee.

Meetings.

Power to establish hospital.

Proviso: moneys kept separate.

Property to vest in corporation.

Sec. 3. That the board of trustees shall hold a meeting in the office of the corporation at the Children's Home in Winston-Salem at such a time after the ratification of this act as T. F. Marr, the existing president of the board of trustees, or his successor in office, shall designate; and the said president shall cause each member of the board to have at least ten (10) days written notice of said meeting. The existing officers and board of trustees shall continue in office until said meeting, and at said meeting the board shall elect a president, vice president, secretary and treasurer, and such other officers and agents as the board may deem best, all of whom shall hold office for such terms as may be prescribed by the board; and the board may at said meetings, to be called by the president as hereinbefore prescribed, amend its existing by-laws and transact all other business of any kind that may come before the board. The board shall in the by-laws prescribe the duties and powers of the several officers and agents of the corporation, and the board may elect or appoint an executive committee from among the members of the board, and this executive committee shall have such powers and discharge such duties as the board may prescribe. The board shall in its by-laws fix the time for its regular annual meeting and for such other regular meetings as it may be deemed best to hold, and shall prescribe the method of calling special meetings of the board.

Sec. 4. That in addition to the institutions which the corporation is now authorized to maintain, the board of trustees shall have power, with the approval of the said Western North Carolina Conference, to establish and maintain a hospital for the care and treatment of the sick at some place within or near the city of Winston-Salem: *Provided, however*, that in the event such hospital is established, its finances shall be kept separate from those of the Children's Home, where orphan and indigent children are maintained.

Sec. 5. That all money and property that shall have been intended for the said corporation or for any of the institutions maintained by said corporation shall be and become vested in the

said corporation, whether the same shall have been bestowed in the proper corporate name of the said corporation or not, and this section shall apply to all wills, deeds, and contracts, whether the same bear date prior to the ratification of this act or not.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 13th day of January, A. D. 1913.

CHAPTER 2.

AN ACT TO AMEND THE CHARTER OF MEREDITH COLLEGE, FORMERLY THE BAPTIST FEMALE UNIVERSITY.

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter one hundred and thirty-two of the Private Laws of one thousand eight hundred and ninety-one be amended by striking out all after the word "years," in line six of said section, and inserting the following: "and be chosen by the remaining trustees, and whenever said trustees are chosen by expiration of term or otherwise, the names of those chosen shall be reported to the next session of the Baptist State Convention of North Carolina thereafter held, for confirmation or not by that body." Election of trustees. Report for confirmation.

Sec. 2. That section six of said chapter one hundred and thirty-two be further amended by adding after the word "church," in line two of said section, the following: "coöperating with the Baptist State Convention of North Carolina."

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 20th day of January, A. D. 1913.

CHAPTER 3.

AN ACT TO AMEND THE CHARTER OF THE THOMASVILLE BAPTIST ORPHANAGE.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter two hundred and twenty-nine of the Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out the period after the word "vacancies," in line seven of said section, and inserting after said word "vacancies" the following: "but whenever said trustees are elected by expiration of their terms of office or otherwise, they shall be elected only from those belonging to Baptist churches coöperating with the Baptist State Election of trustees.

Report for confirmation.

Convention of North Carolina, and when so elected their names shall be reported to the next session of the Baptist State Convention of North Carolina thereafter held, for confirmation or not by that body."

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 20th day of January, A. D. 1913.

CHAPTER 4.

AN ACT TO AMEND THE CHARTER OF WAKE FOREST COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-three of the Private Laws one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be and the same is hereby amended by striking out sections two and three of said chapter and inserting in lieu thereof the following:

Trustees to be classified.

Terms of office.

"Sec. 2. That the present membership of the board of trustees of Wake Forest College shall be divided by said board at their regular meeting in May, one thousand nine hundred and thirteen, into three classes, of twelve each, and when so divided the first class shall hold their membership in said board for a period of two years from their election; the second class for a period of four years from their election; and the third class for a period of six years from their election, and the successors to these classes shall be elected by said board for a period of six years.

Terms of successors.

Eligibility.

Report for confirmation.

The said board of trustees shall be chosen only from those who are members of Baptist churches coöperating with the Baptist State Convention of North Carolina, and when so chosen shall be reported by said board to the next session of said convention thereafter held, for confirmation or not by that body.

Elections to fill vacancies.

Forfeiture for nonattendance.

"Sec. 3. That in the event of the death, resignation, refusal to act, or removal from the State of any one of said trustees, the said board of trustees shall choose his successor for the unexpired term; and if any one of said trustees shall fail for three consecutive years to attend any session of said board, his membership therein shall thereby be forfeited and the same shall be filled by said board as in case of death, resignation, refusal to act, or removal from the State."

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 20th day of January, A. D. 1913.

CHAPTER 5.

AN ACT FOR THE RELIEF OF CHARLES H. ANDERSON, REGISTER OF DEEDS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Wake County are hereby authorized and empowered to pay to Charles H. Anderson, register of deeds of said county, to reimburse him for moneys heretofore expended for necessary clerical work in his office, the following sums: ten dollars and ten cents paid to W. H. Sawyer, March thirty-first, one thousand nine hundred and twelve; thirty-four dollars and twenty cents paid to W. H. Sawyer, April thirtieth, one thousand nine hundred and twelve; and twenty-one dollars and fifty cents paid to Arch Wood, April thirtieth, one thousand nine hundred and twelve, with interest at the legal rate on each amount from the time same was expended by said register of deeds. Reimbursement of expenditures authorized.

Sec. 2. That when said amounts are approved and ordered paid to the said Charles H. Anderson by the board of county commissioners, it shall be the duty of the county auditor to audit same and of the treasurer of the said Wake County to pay same out of the "fee and commission fund." Claims to be audited and paid.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 6.

AN ACT TO CHANGE THE NAME OF THE GREENSBORO FEMALE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. That the name of the Greensboro Female College, a corporation created by the General Assembly of North Carolina by chapter one hundred and thirty of the Private Laws of one thousand nine hundred and five be and it is hereby changed to "Greensboro College for Women." Name changed.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification and acceptance by the Board of Trustees of Greensboro Female College. When act effective.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 7.

AN ACT TO ENABLE THE CITY OF KINSTON TO VOTE ON THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY FOR THE NORTH CAROLINA SCHOOL FOR THE FEEBLE-MINDED.

Preamble: establishment of school.

Whereas the General Assembly of North Carolina at its session of one thousand nine hundred and eleven made provision for the establishment of the North Carolina School for the Feeble-minded (chapter eighty-seven of the Public Laws of one thousand nine hundred and eleven); and whereas the said North Carolina School for the Feeble-minded was located by the trustees of said school near the city of Kinston, in the county of Lenoir, said location having been determined upon competitive bidding by several towns and cities in said State, the bid for the location selected by the trustees having been deemed the most advantageous for the State; and whereas the bid and donation for the location of the said school consisted of about nine hundred acres of land near said city, the purchase price of which was fifteen thousand dollars ($15,000), which purchase price was paid by the coöperative efforts of many of the citizens of Kinston, the notes and obligations of said citizens, for said purchase price, being still outstanding and unpaid, as are also still outstanding and unpaid certain other obligations and expenditures incident to the location of said school; and whereas the donation of said lands to said school was made and the obligations hereinbefore referred to in reference to the location of said school were assumed with the expectation that the municipality of the city of Kinston would reimburse all expenditures and relieve all parties who had assumed obligations in reference to the location of said school, if the qualified voters of said city should so authorize at an election to be held by virtue of an act of the General Assembly of one thousand nine hundred and thirteen; and whereas the expectation and hope of those who contributed to the location of the said school was based upon a very general discussion of the matter, both in the public press and privately among the citizens of Kinston; and whereas, at the regular meeting of the city council of the city of Kinston held in the month of December, one thousand nine hundred and twelve, both on account of the philanthropic purposes prompting the establishment of the said North Carolina School for the Feeble-minded and because of its evident material advantages and benefits to the city of Kinston, incident to its location near the city, unanimously approved the purposes of this act, and by resolution authorized its presentation to the General Assembly of one thousand nine hundred and thirteen: Therefore,

Preamble: determination of location.

Preamble: bid for location.

Preamble: relief of individuals.

Preamble: discussion.

Preamble: action by city council.

The General Assembly of North Carolina do enact:

Section 1. That the city council of the city of Kinston, Lenoir County, shall on Friday, the twenty-eighth day of February, one thousand nine hundred and thirteen, submit to the qualified voters of said city the question of paying the purchase price of the said lands so donated by the citizens of Kinston to the North Carolina School for the Feeble-minded, and other expenses and obligations incident to the location of said school, and to the end of paying all notes and obligations, together with interest thereon, outstanding and by whomsoever held, which were given for any of the purposes recited in this act, together with any and all other expenditures, disbursements, or obligations incurred in behalf of the location of said school, in an amount not to exceed in the aggregate the sum of seventeen thousand five hundred dollars ($17,500). Date for election. Question to be submitted. Amount.

Sec. 2. That it shall be the duty of the mayor and the city council of the city of Kinston to assemble in special session on Monday, the twenty-seventh day of January, one thousand nine hundred and thirteen, at which time they shall appoint a registrar and two (2) judges of election for the election hereinbefore provided for, and at the said meeting to do and perform such other and all acts and things as are necessary for the purpose of providing for the conduct and holding of said election. Meeting of city council. Election officers.

Sec. 3. That there shall be, at said meeting of the mayor and city council, a new registration ordered by the said city council of the voters of the said city of Kinston, and that they shall cause fifteen (15) days notice of said new registration to be made by advertisement in a newspaper published in said city and in three (3) public places in the city. New registration. Notice for registration.

Sec. 4. The registration books shall be opened and closed as provided in section two thousand nine hundred and fifty-two of the Revisal, and the said election shall be conducted and held under the same rules and regulations, not inconsistent with the provisions of this act, as are prescribed for town and city elections in chapter seventy-three of the Revisal of North Carolina. Registration. Law governing election.

Sec. 5. That at the said election the qualified voters of said city shall vote tickets on which shall be written or printed the words "For Bonds" or "Against Bonds," and the result of said election shall be determined under the same rules and regulations as govern and determine the result of the election of the mayor of the said city, and the said result shall be certified in writing by the election officers to the clerk of said city, and by the city clerk filed with the records of said city. Ballots. Determination and certificate of result.

Sec. 6. Immediately after the said election the registrar shall deposit the said registration book with the clerk of the city of Kinston, which registration book, with such names as shall thereafter be lawfully registered thereon, shall thereafter at all special and general elections of said city be deemed the registration book and record of the qualified voters of the said city of Kinston. Registration books.

Bond issue authorized.

Sec. 7. That if at said election a majority of the qualified voters shall vote "For Bonds," then the said city of Kinston shall thereafter be authorized to and shall issue the bonds of said city in

Amount.

an amount not exceeding seventeen thousand five hundred dollars ($17,500) for the purpose of paying off and liquidating the purchase price of the lands so donated as aforesaid to the North Carolina School for the Feeble-minded, and all obligations and expenditures made and incurred in reference to the location of the said school, as hereinbefore set out and recited.

Issue and sale of bonds.

Sec. 8. That the city council of the city of Kinston are authorized and empowered to prepare, issue, and dispose of said bonds in denominations to be fixed by them and running for such period,

Maturity.

or periods, of years, not exceeding forty (40) years, as may be

Interest.

deemed advisable, and at the lowest rate of interest obtainable, not exceeding five per centum (5%) per annum, interest payable

Sales not below par.

semiannually; and the bonds shall not be sold below par. That the city council shall dispose of the same to the best interest of the said city, and the money derived from the sale of the said

Specific appropriation.

bonds shall be used for the purposes enumerated in this act:

Proviso: fractions of bonds.

Provided, any fractional part of a bond, less than five hundred dollars, if there shall be any not required for the purpose of this act, may be covered into the city treasury for general purposes.

Authentication.

Sec. 9. That the bonds authorized to be issued by this act shall be deemed to be duly executed when signed by the mayor and countersigned by the city clerk under the corporate seal of the said city, and the interest coupons thereto attached shall bear the lithographic facsimiles of the signatures of the mayor and clerk.

Audit and payment of claims.

Sec. 10. That the city council shall within ninety (90) days from said election, if a majority of the qualified voters shall favor the issuance of said bonds, audit all claims, obligations, and expenditures within the purview of this act, and authorized to be

Determination of amount of bonds.

paid by its provisions from the proceeds of said bonds, and are authorized to determine and shall determine the aggregate amount for which bonds shall be issued under this act, and the determination of the city council shall be conclusive in so far as the right to issue the bonds of said city under this act is concerned.

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 24th day of January, A. D. 1913.

CHAPTER 8.

AN ACT TO AUTHORIZE AND ENABLE THE VIRGINIA-CAROLINA RAILWAY COMPANY TO LOCATE, CONSTRUCT, AND OPERATE A LINE OF RAILROAD WITH EXTENSIONS AND BRANCHES THEREOF WITHIN THE STATE OF NORTH CAROLINA, AND TO CONFER UPON SAID COMPANY CERTAIN CORPORATE PRIVILEGES AND POWERS AND TO SUBJECT IT TO ALL THE DUTIES, OBLIGATIONS, RULES, REGULATIONS, LIABILITIES, AND RESTRICTIONS IMPOSED BY THE GENERAL RAILROAD LAWS OF THE STATE OF NORTH CAROLINA, SO FAR AS THE SAME MAY BE APPLICABLE.

The General Assembly of North Carolina do enact:

Continuation of lines authorized.

Section 1. That the Virginia-Carolina Railway Company, a railroad corporation of the State of Virginia, be and hereby is authorized and empowered to continue its line of railroad across the boundary line between this State and the State of Virginia, crossing said boundary line in the county of Ashe in this State, as said company may determine, from any point in the county of Grayson in the State of Virginia, and from said county of Ashe back into Grayson County in the State of Virginia, as often as the company may determine, from any point or points into and from said county of Grayson in the State of Virginia, and into and from any point in said county of Ashe, and thence on through and to any point in the county of Ashe or Watauga in this State, as said company may determine, with full power to locate, construct, and own and operate the same within the State of North Carolina, and also full power to locate, construct, own, and operate in said counties of Ashe and Watauga one or more extensions or branch roads therefrom, such extensions or branch roads, not exceeding twenty-five miles each in length, as may be necessary to enable it to connect with or reach any line of railroad now or hereafter constructed, or with any mining, manufacturing or lumber operations in the State of North Carolina; and for the purposes of this act the said company shall have the same right to acquire, by purchase or the exercise of the right of eminent domain or by condemnation, lands for its right of way, stations, yards, and terminal facilities in this State which the general laws of this State grant to other railroad corporations in this State.

Location and route.

Extensions and branch roads.

Power to acquire lands.

Corporate powers, rights, and franchises.

Duties and liabilities.

Sec. 2. That said company shall have and exercise such corporate rights, powers, franchises, and privileges as are not inconsistent with the laws of this State, and shall be vested with all the rights, powers, franchises, and privileges granted other railroad companies under, and shall be subject to all the duties, obli-

gations, rules, regulations, liabilities, and restrictions imposed by the general railroad laws of this State so far as they may be applicable.

Power to purchase corporate property of Ashe County Railroad Company.

Sec. 3. That it shall be lawful for said Virginia-Carolina Railway Company to purchase all the corporate property, including the unfinished railroad of the Ashe County Railroad Company, upon such terms as may be mutually agreed upon between said companies, and to this end it shall be lawful for said Ashe County Railroad Company to sell, assign, and convey all its said corporate property and unfinished railroad to said Virginia-Carolina Railway Company.

Power to sell.

Power to mortgage.

Sec. 4. That it shall be lawful for the Virginia-Carolina Railway Company, by mortgages or deeds of trust now or hereafter executed, to secure the payment of any of its bonds or obligations upon all or any portion of its railroad, property, and franchises owned, operated, or possessed under the provisions of this act.

Sec. 5. This act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of January, A. D. 1913.

CHAPTER 9.

AN ACT TO AMEND THE CHARTER OF ELON COLLEGE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter one hundred and thirty-nine, Private Laws of one thousand nine hundred and nine, be amended by adding after the words "instead of fifteen, as now written," "but the quorum shall remain eight, as provided in section two, chapter two hundred and sixteen, Private Laws of one thousand eight hundred and eighty-nine," so that the said section shall read: "The affairs of the said college shall be under the management of a board of eighteen trustees, but the quorum shall remain eight, as provided in section two, chapter two hundred and sixteen, Private Laws of one thousand eight hundred and eighty-nine."

Quorum of trustees.

Debts of students void.

Sec. 2. That if any merchant, druggist, liveryman, agent, or vendor of merchandise or commodity of any kind whatsoever shall sell the same on credit to any minor member of the student body of the said college, while a student of the college, without the consent in writing of the president or dean of said college, or of the parent or guardian or person standing *in loco parentis* of said student, such sales and contracts of sale without such written consent are hereby declared void and uncollectible. The provisions of this section shall not apply in the case of board,

Exceptions.

room rent, and medical attention, nor medicines furnished upon the prescription of a physician or surgeon practicing according to the laws of North Carolina.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 27th day of January, A. D. 1913.

CHAPTER 10.

AN ACT TO CONSOLIDATE THE CITY OF WINSTON AND THE TOWN OF SALEM.

The General Assembly of North Carolina do enact:

Section 1. That the city of Winston and the town of Salem in the county of Forsyth, State of North Carolina, be consolidated as one municipal corporation in the name of the "City of Winston-Salem." To that end the territorial lines of the city of Winston shall be extended and include the territory now embraced within the boundary lines of the town of Salem. That the city of Winston-Salem shall be divided into four wards, represented each by two aldermen, and the territory so taken in shall be known as Salem Ward, entitled to two members of the board of aldermen of the city of Winston-Salem, and said city of Winston-Salem is hereby invested with all the rights, powers, and privileges of the several towns of the State in general laws regulating the same, and shall be subject to the charter and the ordinances of the city of Winston existing and in force when this act becomes effective, which are hereby extended to and made the charter and ordinances of the city of Winston-Salem, subject to the changes made herein.

Corporations consolidated.

Lines extended.

Wards.

Salem ward.

General powers and privileges.

Charter and ordinances existing.

Sec. 2. That all of the property of every kind and character, all privileges, immunities, franchises, and rights of every kind, whether in law or equity, belonging to the city of Winston and to the town of Salem, shall be vested in and belong to the city of Winston-Salem, and said municipalities are hereby authorized, empowered, and directed to make such conveyances and assurances of the properties thereof as may be required to carry into effect the provisions of this section. That the said city of Winston-Salem shall assume and pay all of the obligations and debts now existing of the city of Winston or of the town of Salem as fully in all respects as if they were the obligations of the said city of Winston-Salem.

Property vested.

Conveyances and assurances.

Debts and obligations.

Sec. 3. That all the powers, duties, obligations of each and every office of the city of Winston and of the town of Salem shall be and belong to the office of like name or duties in the city of Winston-Salem.

Officers.

Election for ratification.

Sec. 4. *Provided*, that this act shall go into effect if a majority of the votes cast in the city of Winston and a majority of the votes cast in the town of Salem, at an election to be held in each of said municipalities for the purpose of ascertaining the wishes of the voters of said municipalities, as herein provided, shall be in favor of consolidation.

Call for election.

(*a*) That the board of aldermen of the city of Winston and the board of commissioners of the town of Salem shall each, within ten days from the passage of this act, call an election to be held at all the voting precincts in the city of Winston and at all the voting precincts in the town of Salem, and said elections shall be held after thirty days notice thereof shall have been published in any daily newspaper published in Winston, and by advertisement posted at the courthouse door in the city of Winston, and four other public places in the city of Winston, and by notice posted at four public places in the town of Salem.

Notice of election.

Tickets.

(*b*) At said elections all voters of either of said municipalities qualified to vote at said elections may vote a printed or written ticket. Those who favor consolidation shall vote a ticket on which shall be written or printed the words "For Consolidation," and those opposed to consolidation shall vote a ticket on which shall be written or printed the words "Against Consolidation"; and if a majority of the votes cast in said election in the city of Winston and a majority of the votes cast in said election in the town of Salem shall be "For Consolidation," then the provisions of this act shall be in full force and effect on and after the first Friday after the first Monday in May, one thousand nine hundred and thirteen.

Law governing elections.

(*c*) That said elections shall be held in each of said municipalities in the manner provided in their respective charters for the election of mayor and members of the board of aldermen of Winston and mayor and members of the board of commissioners of Salem, except as is otherwise and differently provided in this act.

Election under consolidation.

Sec. 5. That should a majority of the votes cast at each of said elections as herein provided be for consolidation, then on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, an election shall be held for mayor and board of aldermen of the city of Winston-Salem, under the provisions of the charter of the city of Winston, and the mayor and board of aldermen so elected shall hold office as provided in said charter of the city of Winston.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 7. That this act shall go into effect from and after its ratification.

Ratified this the 27th day of January, A. D. 1913.

CHAPTER 11.

AN ACT TO AMEND CHAPTER 411, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1905, SAID CHAPTER CONSTITUTING THE CHARTER OF THE WATAUGA RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and eleven, Private Laws of North Carolina of the session of one thousand nine hundred and five, be and the same is hereby amended in the following particulars:

(*a*) By striking out the words "Watauga Railway," in line seven of section one, also in the caption of said act, and by inserting in lieu thereof the words "Watauga and Yadkin River Railroad." Name changed.

(*b*) By inserting in line eleven of section two of said act, after the word "Watauga," the word "Wilkes." Route extended.

(*c*) By striking out the period at the end of the fourth subsection of section three of said chapter and substituting a comma therefor, and by adding after such comma the words, "after the amount of such compensation shall have been determined by a proceeding instituted either by the said railroad company or by the owner of the lands through which the line of said railroad may run; and said railroad company shall not be required to institute proceedings for the condemnation of lands prior to the time of entering upon the lands of any person for the purpose of constructing its line of railroad." Compensation.

(*d*) By adding new subsections after subsection "eleventh" of section three, as follows:

"Twelfth. That said company, in its discretion, before constructing its main lines, shall have the right to build any portion or all of the branch line or lines contemplated; the said company may construct a part of said road without completing the entire main line, and may build the road by such route as it deems most advantageous and expedient. Branch lines before main line. Partial construction.

"Thirteenth. The said company is expressly authorized to buy, and the Yadkin River Railroad Company is authorized to sell and convey to said Watauga and Yadkin River Railroad Company, its property, franchises, and holdings of every nature or kind, such purchase, sale, and conveyance to be subject to all outstanding indebtedness, bonded or otherwise, of the said Yadkin River Railroad Company, and all liabilities of said Yadkin River Railroad Company shall be assumed by said Watauga and Yadkin River Railroad Company; and any and all sales and conveyances heretofore made by said Yadkin River Railroad Company to said Watauga and Yadkin River Railroad Company are hereby ratified Sale and purchase authorized.

and declared valid; and any suits or proceedings at law or otherwise, now pending or hereafter instituted, by reason of any act or omission of said Yadkin River Railroad Company, shall be assumed by or brought against said Watauga and Yadkin River Railroad Company; and such judgments as may be obtained shall be paid or performed by said Watauga and Yadkin River Railroad Company.

Spurs and spur tracks.

"Fourteenth. Said company is authorized to build spurs and spur tracks for the carrying of freight and commodities from its main line to any point that said company may deem proper, and to discontinue such spurs or spur tracks and to take up the same when the further operation thereof may be deemed inadvisable; and for such purpose shall have the same rights to acquire rights of way as are hereinbefore provided."

(*e*) By striking out all of section twelve of said act and inserting in lieu thereof the following:

Application of general law.

"Sec. 12. The said company shall enjoy all the benefits and be subject to all the provisions of chapter sixty-one, Revisal of one thousand nine hundred and five of North Carolina, and acts supplementary thereto and amendatory thereof, when not in conflict with the specific provisions hereof."

Subscriptions to stock.

(*f*) By adding after the word "Watauga," in line one of section thirteen, the word "Wilkes," and by adding after the word "them," in line two of said section thirteen, the words "or any county through which the line of said railroad, or its branches, may run."

Capital stock.

(*g*) By striking out the words "five hundred thousand dollars," in line five of section four, and by inserting in lieu thereof the following: "such sum as they may determine."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 28th day of January, A. D. 1913.

CHAPTER 12.

AN ACT TO AUTHORIZE THE TOWN OF BREVARD IN TRANSYLVANIA COUNTY TO ISSUE BONDS FOR WATERWORKS AND SEWERAGE PURPOSES.

The General Assembly of North Carolina do enact:

Bond issue authorized.
Amount.
Purpose.

Section 1. That the town of Brevard, in Transylvania County, be and it is hereby authorized and empowered to issue bonds in an amount not to exceed ten thousand dollars for the purpose of improving, enlarging, extending, and further equipping its waterworks and sewerage systems.

Sec. 2. That the said bonds shall bear interest at the rate of not exceeding six per centum per annum, payable semiannually; the said bonds shall mature not less than thirty years from their date, and shall be in such denominations and payable at such place as the board of commissioners of said town may determine. Interest. Maturity. Denominations.

Sec. 3. That the said town of Brevard be and it is hereby authorized and directed to levy and collect annually a special tax of sufficient rate to pay the interest on said bonds as it becomes due and the principal thereof at maturity. Special tax.

Sec. 4. That all laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 5. That this act shall be effective from and after its ratification.

Ratified this the 30th day of January, A. D. 1913.

CHAPTER 13.

AN ACT TO RATIFY WATERWORKS BONDS OF THE TOWN OF ALBEMARLE, STANLY COUNTY, NORTH CAROLINA.

Whereas the mayor and board of commissioners of the town of Albemarle, Stanly County, North Carolina, did on the seventh day of May, one thousand nine hundred and twelve, adopt a resolution authorizing the issuance by that town of waterworks bonds in the sum of thirty thousand dollars ($30,000), to be dated May first, one thousand nine hundred and twelve, and to mature thirty years after date thereof; to be in denominations of one thousand dollars ($1,000) each, to bear interest at the rate of five per cent, payable semiannually; said bonds to be numbered from one to thirty inclusive, and the principal and interest of said bonds to be payable at the National Park Bank in the city of New York, N. Y.; and whereas the authority for the issuing of the said bonds had been questioned: therefore, Preamble: resolution for issue of bonds. Preamble: authority doubtful.

The General Assembly of North Carolina do enact:

Section 1. That the said bonds be and they are hereby in all respects authorized, ratified, approved, and confirmed, and the said town of Albemarle is hereby authorized and directed to pay the interest on the said bonds as it becomes due and the principal thereof at maturity. Bond issue ratified. Payment authorized.

Sec. 2. That the said town of Albemarle is also hereby further authorized, empowered, and directed to issue additional bonds to the amount of ten thousand dollars ($10,000), over and above the thirty thousand dollars above referred to, for the purpose of paying off other indebtedness incurred by said town in the construction and establishment of its public water system. Additional issue authorized.

Special tax.

Sec. 3. That said town of Albemarle is hereby authorized, empowered, and directed to levy, collect, and appropriate annually a special tax of sufficient rate and amount to pay the interest on all said bonds as it becomes due, and the principal thereof at maturity.

Sec. 4. That all laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 30th day of January, A. D. 1913.

CHAPTER 14.

AN ACT TO VALIDATE AND RATIFY ELECTRIC LIGHT BONDS OF THE TOWN OF ASHEBORO.

Preamble: purchase of plant and bond issue ordered.

Whereas the board of commissioners of the town of Asheboro, being authorized by the laws of the State of North Carolina, and especially chapter three hundred and twelve of the Private Laws of North Carolina, session one thousand nine hundred and eleven, to purchase for the town of Asheboro the electric plant owned by the Asheboro Electric Company, and having no funds on hand out of which said property could be paid for, at a meeting held on the eighteenth day of May, one thousand nine hundred and eleven, passed a resolution which, together with a supplementary resolution enacted by said board at a meeting held on the fifteenth day of June, one thousand nine hundred and twelve, increasing the amount from ten thousand dollars to thirteen thousand dollars, and at a meeting held on the twenty-second day of January, one thousand nine hundred and thirteen, a further supplementary resolution, enacted by said board, increasing the amount from thirteen thousand to fifteen thousand dollars to meet the actual necessary expenses in the completion of said electric plant, provided for the issuance of fifteen thousand dollars in bonds of the said town of Asheboro to pay for said electric plant and needed alterations thereof and improvements therein. Said bonds, seventy-five in number, of the par value of two hundred dollars each, numbered from one to seventy-five consecutively, denominated Electric Light Bonds, dated July first, one thousand nine hundred and eleven, bearing interest from the date thereof, at the rate of five per cent per annum, payable semiannually, with interest coupons attached, it was provided should become due and payable on the first day of July, one thousand nine hundred and forty-one; and

Preamble: bonds issued and sold ultra vires.

whereas fifty-nine of said bonds were actually issued, negotiated, and delivered in the partial purchase, alteration, and improvement of said plant, when it was discovered that the said board of com-

missioners of the town of Asheboro, by virtue of chapter eighty-six of the Public Laws of North Carolina, session one thousand nine hundred and eleven, were without power or authority to issue bonds for said purpose without first submitting the question of the issuance thereof to the qualified voters of said town and having the issuance thereof approved and authorized by a majority of same, as provided in said act, which said commissioners had not done; and that said bonds were therefore invalid; and whereas fifty-nine of said bonds are now in the hands of *bona fide* holders for value, and the said board of town commissioners are unable, under existing circumstances, to negotiate the remaining bonds of said issue so as to pay the obligations made to complete the purchase of said plant and make the necessary alterations and improvements; and whereas said bonds and each of them are valid and binding obligations of said town but for the provisions of chapter eighty-six of the Public Laws of North Carolina, session one thousand nine hundred and eleven, which directs the issuance of bonds in such cases to be first submitted to and approved by a majority of the qualified voters of the town at an election called for the purpose; and whereas the ownership and maintenance of an electric plant is a necessity for said town: Now, therefore,

Preamble: bonds in hands of bona fide purchasers.

Preamble: bonds should be made valid.

Preamble: plant a public necessity.

The General Assembly of North Carolina do enact:

Section 1. The fact that the issuance of bonds by the town of Asheboro, as in the preamble heretofore set forth and described, was not approved or authorized by a majority of the qualified voters of the town of Asheboro, as directed by said chapter eighty-six of the Public Laws of North Carolina, session one thousand nine hundred and eleven, shall in no respect impair the validity of such of said bonds as have been issued; nor shall it be necessary to submit the issuance of the remainder of said bonds to the qualified voters of said town, as provided by said chapter eighty-six of the Public Laws of North Carolina, session one thousand nine hundred and eleven, and secure the same to be approved and authorized by a majority of the qualified voters of the town. Without such submission, approval, or authority, said seventy-five bonds, including those that are not yet issued and delivered, as well as those that the said commissioners have gone through the form of issuing, are each and all hereby validated and declared to be just, legal, and binding obligations of said town, according to the tenor thereof and according to the resolutions of the commissioners by which they were directed to be issued. And the said board of commissioners of the town of Asheboro are hereby authorized and empowered to proceed to negotiate and dispose of such of said bonds as are yet unissued, using the proceeds thereof to meet the obligations made in completing the purchase and proposed alterations and improvement of the said electric plant.

Bonds heretofore issued validated.

Further issue authorized.

Sale of further issue authorized.

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 31st day of January, A. D. 1913.

CHAPTER 15.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF SALEM.

The General Assembly of North Carolina do enact:

Charter amended.

Section 1. That the charter of the town of Salem as contained in chapter forty (40) of the Private Laws of North Carolina of one thousand eight hundred and ninety-one (1891) and the several amendatory acts thereto, be and the same is hereby revised and amended in the particulars hereinafter set out, and none other, that is to say:

That section forty-one (41) of the said chapter forty, Private Laws of one thousand eight hundred and ninety-one, as amended by chapter sixty-six (66), Private Laws of one thousand nine hundred and one, be amended so as to read as follows:

Taxing power.

"Sec. 41. That in order to raise a fund for the necessary expenses of the government of the town, the commissioners may annually levy and collect the following taxes, viz.:

Property tax.

"(1) On all real and personal property within the corporate limits, including money in hand, solvent credits, and upon all other subjects taxed by the General Assembly, *ad valorem*, a tax not exceeding one dollar and fifty cents on every hundred dollars value to meet all the liabilities of the town in the way of indebtedness, bonded or otherwise, which now exists or may be hereafter created. That all real and personal property actually situated within the corporate limits of said town on the first day of the month designated by the general laws of the State for the listing of State and county taxes in each year shall be subject to said levy, whether the person, partnership, corporation, agent, or trustee owning or controlling the same shall be residing, domiciled, or doing business in said town or elsewhere. All such persons shall be liable to the provisions contained in chapter forty, Private Laws of one thousand eight hundred and ninety-one, as to the duty of citizens and residents in said town to list their property for taxation, and shall be subject to all provisions contained in said chapter which impose any fine or penalty for failure or refusal to do so.

Property subject to tax.

Persons liable to tax.

Poll tax.

"(2) On all taxable polls, a tax not exceeding two dollars a poll on all persons liable for poll tax, who may be residents in the

town on the first day of the month designated by the general laws of the State for the listing of State and county taxes in each year.

"(3) Upon all dogs kept in the town, and which may be so kept on the first day of the month designated by the general laws of the State for the listing of State and county taxes in each year, a tax not exceeding one dollar on every male dog and spayed slut, and ten dollars on every unspayed slut; and all dogs so taxed shall be subjects of larceny." Dog tax. Dogs subjects of larceny.

Sec. 2. That section forty-two (42) of the said charter of the town of Salem be amended so as to read as follows:

"Sec. 42. That the clerk, at least ten days prior to the time in each year when State and county taxes are to be begun to be listed by the general laws of the State, shall make advertisement in some newspaper circulating in the town of Salem, notifying all persons residing in the town of Salem who are liable for poll tax or who own or have control of taxable property in the town on the first day of the month in each year designated by the general laws of the State for the listing of property and polls for State and county purposes, to return to him on or before the last day of said month a list of their taxable property and polls in said town. Said return shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the clerk shall be sworn to before him, and he is hereby authorized to administer the following oath: 'I, ... do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all county bonds, and a full and accurate list of all personal property, and a full and accurate list of all property subject to taxation by the laws of the State and ordinances of said town, according to my best knowledge, information, and belief: so help me, God.' And from the returns so made the clerk shall within thirty days after the expiration of the term for taking said list make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes. And the said clerk shall copy in said book the assessments on file in the register of deeds' office of all property within the city limits, which assessments may be revised, corrected, or amended by the board of commissioners." Notice for listing taxes. Lists to be sworn to. Form of oath. Clerk to make out tax books. Assessments from county lists.

Sec. 3. That section fifty-two (52) of said charter, subsection fourteen, be stricken out, and the following inserted in lieu thereof:

"(14) The board of commissioners shall have power to impose a license tax on any business carried on in the town of Salem where a limit is not otherwise specified in the charter or the gen- License taxes.

eral laws of the State, not to exceed one hundred and twenty dollars a year."

Sec. 4. That section fifty-five (55) of said chapter forty (40) of the Private Laws of one thousand eight hundred and ninety-one be amended by striking out the words "to be chosen one by the commissioners and one by the property-owner; if they fail to agree, they two to select an umpire," in lines twelve (12), thirteen (13), and fourteen (14) of said section fifty-five, and insert in lieu thereof the following: "to be appointed by the Clerk of the Superior Court of Forsyth County on the application of the mayor of said town or of said property-owner or his agent."

Appointment of appraisers.

Sec. 5. That section eighty-nine (89) of chapter forty (40) of the Private Laws of one thousand eight hundred and ninety-one, as amended, is hereby amended so as to read as follows:

Power to create debt.

"Sec. 89. That the town of Salem is hereby authorized and empowered to create a debt for public improvements, grading, macadamizing, and paving streets, waterworks, sewerage, public schools, etc., and other public purposes, including one or more hospitals to be located in or near the town of Salem, to an amount not exceeding ten per cent of the total amount of all real and personal property at its assessed valuation for taxation by the said town: *Provided*, that in calculating the amount of indebtedness of said town as against the assessed valuation for taxation of the real and personal property in said town, the bonds or other evidences of indebtedness issued for waterworks or other revenue-producing properties shall not be counted as a part of the indebtedness of said town comprehended within the meaning of the ten per cent limitation herein set out, but the ten per cent limitation of the indebtedness of said town shall refer to such indebtedness as is not created for the purpose of purchasing waterworks or other revenue-producing properties, anything in the charter of the town or in the general laws of the State to the contrary, notwithstanding; and for said purposes may issue bonds, in the name of the town of Salem, in such denomination and form and payable at such place and time, but running not less than thirty years nor more than fifty years, and bearing interest at no greater rate than six per centum per annum, and payable annually or semiannually, as said board of commissioners may determine. That the said board of commissioners shall have power to construct a system of sewerage for the town, building such sections first as they may determine, wholly at public expense or in coöperation with property-owners benefited by such sections, and protect and regulate the same by adequate ordinances, and for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets, and in addition thereto shall have power and authority to compel citizens and persons living or owning land along the line of sewerage or in the vicinity thereof to connect their prem-

Limit of amount.

Proviso: items not deducted.

Power to issue bonds.
Denominations.
Maturity.
Interest.

Sewerage system.

Power to condemn land.

Sewerage connections.

ises, drains, or other pipes with said sewerage, and keep same in repair and open so as to drain all of the premises along the line of said sewerage, and to provide water supplies for the town either by erecting waterworks or by contracting with other persons or corporations; and make all such other public improvements as the health of the citizens and the safety of property may require; and in case, when required, the citizens living along the lines of sewers or owning property along said lines or in the vicinity thereof shall neglect or refuse to connect their premises, drains, or other pipes with said sewerage, then in that event it shall be lawful for the commissioners, after notice to said owners or their qualified agents (which notice in case of nonresidents having no resident agent may be made by publication), may cause said premises to be properly arranged for health purposes and properly connected with the town sewerage pipes; and the expenses of making said repairs and alterations and connection with the main sewerage pipes shall be paid by the person whose property shall be thus connected, and said expenses shall be a lien upon said premises or lot, and if not paid on demand, such lot, or so much as may be necessary, shall be sold by the tax collector to pay said expenses and costs, under the same rules and regulations and restrictions as are required by law for the sale of land for unpaid taxes."

Water supplies.

Work done at expense of landowners.

Expense a lien on property.

Collection by distress.

Sec. 6. That section ninety (90) of said charter be amended by striking out the word "issue," in line five (5) thereof, and inserting the word "approved" in lieu thereof, and by striking out the words "no issue," in line six (6) of said section, and inserting the words "not approved" in lieu thereof.

Ballots.

Sec. 7. That the mayor or trial justice of the town of Salem, in addition to the power and jurisdiction now conferred upon said court by law, shall within the corporate limits of said town, as well as in the territory specified in chapter three hundred and sixty-six of the Public Laws of North Carolina of one thousand eight hundred and ninety-one, be and the said court is hereby vested with final, exclusive, original jurisdiction of all offenses occurring or committed within the corporate limits of said town of Salem or within the territory referred to and specified in said chapter three hundred and sixty-six of the Public Laws of North Carolina of one thousand eight hundred and ninety-one, to wit, of all offenses which are a violation of any ordinances of the town of Salem and of all crimes the jurisdiction of which is now or may hereafter be given to justices of the peace; that in addition to the offenses above mentioned, the following crimes, to wit, carrying concealed weapons; gaming, gambling; keeping gambling-houses; keeping bawdy-houses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the article does not exceed ten dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious

Jurisdiction of municipal court.

Acts declared petty misdemeanors.

injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave master; indecent exposure of person; selling or giving away intoxicating liquors to a minor, and all offenses against the prohibition laws as contained in chapter seventy-one of the Public Laws of the extra session of one thousand nine hundred and eight, and acts amendatory thereof, and all violations of the provisions of an act of the Legislature, chapter ....., one thousand nine hundred and nine, creating a medical depository for Forsyth County and Winston, North Carolina; selling or giving away cigarettes to a minor; obtaining advances by false pretenses; disposing of mortgaged property; all crimes against public health, as contained in the Revisal of one thousand nine hundred and five, from sections three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive, and acts amendatory thereof; all misdemeanors, as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five, and acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year; violations of sections three thousand six hundred and twenty-two, three thousand six hundred and eighty-six, three thousand seven hundred and thirty-one, and three thousand eight hundred and thirty-two of the Revisal of one thousand nine hundred and five, and acts amendatory thereof; violations of the provisions of chapter seventy-seven of the Public Laws of the extra session of one thousand nine hundred and eight, relating to the selling or giving away of cocaine and other kindred products, and acts amendatory thereof; and all crimes which under the common law are misdemeanors, or which are declared by statute to be misdemeanors, wherein the punishment is in the discretion of the court and misdemeanors which are by statute or otherwise punishable as misdemeanors at common law, are hereby declared by this act to be petty misdemeanors, and final, original, exclusive jurisdiction thereof is hereby given to the court of the mayor or trial justice of the town of Salem.

Final jurisdiction.

Jurisdiction in preliminary investigations.

Sec. 8. That in addition to the jurisdiction given in this act, or otherwise conferred by law, said court is hereby given exclusive, original jurisdiction to hear and bind over to the proper court all persons charged with any crimes committed within the town of Salem or within the police territory created by chapter three hundred and sixty-six, Public Laws of North Carolina of one thousand eight hundred and ninety-one, wherein the preliminary investigation is now conferred on justices of the peace.

Sec. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 10. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 16.

AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN, AND TO AMEND THE ACT ENTITLED "AN ACT TO ESTABLISH GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN," RATIFIED MARCH 6, 1899; AND TO AMEND THE ACT ENTITLED "AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN, AND TO AMEND THE ACT ENTITLED 'AN ACT TO ESTABLISH GRADED SCHOOLS IN THE CITY OF NEW BERN,' RATIFIED MARCH 6, 1899," THE LAST NAMED BEING CHAPTER 324 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1909, RATIFIED MARCH 6, 1909.

The General Assembly of North Carolina do enact:

Election for additional tax.

Section 1. That the mayor and board of aldermen of the city of New Bern are hereby authorized and required to submit to the qualified voters of said city, at the next regular election of aldermen, the question whether an additional annual tax shall be levied therein for the support of the graded schools in said city which were authorized or established under the act entitled "An act to establish graded schools in the city of New Bern," ratified the sixth day of March, one thousand eight hundred and ninety-nine, being chapter five hundred and forty-seven of the Public Laws of North Carolina of one thousand eight hundred and ninety-nine.

Law governing election.

Sec. 2. That the question of such additional annual tax levy shall be submitted and the election thereon held and conducted under the same rules, regulations, and penalties and with the same form of ballot as is provided in the above recited act of March sixth, one thousand eight hundred and ninety-nine.

Tax to be levied.

Sec. 3. That in case a majority of the qualified voters at such election shall vote for schools, or the ballot containing the words "For Schools," a tax shall be levied and collected and the proceeds paid over, applied, used, and disbursed according to the provisions and requirements of the above recited act of March sixth, one thousand eight hundred and ninety-nine, for the levy, collection, application, payment, use and disbursement of the special tax in the said act authorized, and as is authorized by the act entitled "An act to amend the charter of the New Bern graded schools," ratified eighth February, one thousand nine hundred and seven, and being chapter fifty-two of the Private Laws of North Carolina of one thousand nine hundred and seven.

Limit of tax rate.

Sec. 4. That the special tax hereby authorized shall not exceed the sum of ten cents on property of the value of one hundred dol-

lars and thirty cents on the poll, so that the whole special tax authorized under this act and the above recited acts, viz., an act entitled "An act to establish graded schools in the city of New Bern," ratified sixth day of March, one thousand eight hundred and ninety-nine, and being chapter five hundred and forty-seven of the Public Laws of North Carolina of one thousand eight hundred and ninety-nine, and an act entitled "An act to provide additional support for the graded public schools in the city of New Bern, and to amend the act entitled 'An act to establish graded schools in the city of New Bern,' ratified March sixth, one thousand eight hundred and ninety-nine," ratified sixth day of March, one thousand nine hundred and nine, and being chapter three hundred and twenty-four of the Private Laws of one thousand nine hundred and nine, shall not exceed thirty cents on the property valued at one hundred dollars and ninety cents on the poll.

Limit of total rate.

New registration.

Sec. 5. A new registration of the voters shall be had at such next regular election in said city.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 17.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS TO FUND ITS FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Purpose of issue.

Section 1. That for the purpose of enabling the city of Asheville to fund and pay off its floating indebtedness incurred prior to the first day of January, one thousand nine hundred and thirteen, for the necessary expenses of said city, the board of aldermen of the said city of Asheville be and they are hereby authorized and empowered to issue bonds of the said city of Asheville to an amount not exceeding two hundred thousand dollars.

Bond issue authorized.

Amount.

Coupon bonds.

Denominations.

Authentication.

Interest.

Maturity.

Sec. 2. That said bonds shall be negotiable coupon bonds in such form and of such denominations as said board of aldermen may determine. They shall be signed by the mayor of said city, and countersigned by the city clerk, and sealed with the corporate seal of said city. They shall draw interest at a rate not exceeding five per cent per annum, interest payable semiannually at such place or places as said board of aldermen may determine. They shall mature at such time as said board of aldermen may determine.

Sale of bonds.

Advertisement for sale.

Sec. 3. That said bonds shall be sold by the said board of aldermen to the highest bidder after due advertisement of the sale

thereof. Said advertisement shall be in the local Asheville papers and in some recognized financial journal of the city of New York.

Special tax.

Sec. 4. That the said board of aldermen of said city, or their successors in office, be and they are hereby authorized and empowered to levy and collect on all taxable property in the said city of Asheville a special tax of sufficient amount to pay the interest on said bonds, as it becomes due, and the principal thereof at maturity. Said special tax shall be levied and collected at the same time as other taxes are levied and collected for the use of said city.

Sec. 5. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 21st day of January, A. D. 1913.

CHAPTER 18.

AN ACT TO ESTABLISH AND SETTLE BOUNDARY LINE BETWEEN LOCAL-TAX DISTRICT, No. 5, WILKESBORO TOWNSHIP, AND LOCAL-TAX DISTRICT, No. 3, IN REDDIES RIVER TOWNSHIP, WILKES COUNTY.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the boundary line between Local-tax District, Number Five, in Wilkesboro Township, and Local-tax District, Number Three, in Reddies River Township in Wilkes County, be and the same is hereby changed so as to run as follows: Beginning at the mouth J. H. Johnson's spring branch, where the same empties into the Yadkin River and crossing said river to the southeast corner of the lands of John Davidson, thence running a west course with the said John Davidson's east line to his northeast corner, thence with his line as it meanders to the northern limit of the boundary line of the Yadkin River Railroad Company's right of way, thence with the northern limit of said right of way to Sawmill Creek, thence a southward course across said right of way to its southern limit, thence back with the southern limit of said right of way to John Davidson's line, thence with his line as it meanders to the Yadkin River, thence up said river as it meanders to the point where the line of District Number Five in Wilkesboro Township now crosses said river.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 19.

AN ACT TO INCORPORATE THE TOWN OF GRANDIN, IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated. Section 1. That the town of Grandin, in the county of Caldwell, be and the same is hereby incorporated under the name and style of "Town of Grandin," and shall be subject to all the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five, and other existing laws relating to cities and towns, except when in conflict with the specific provisions of this act.

Corporate name.

Corporate powers.

Corporate limits. Sec. 2. That the corporate limits of the said town shall include all the lands purchased by Grandin Lumber Company from J. M. Isbell and wife, J. H. Isbell and wife, J. C. Steele and wife, James Carlton, H. H. Pannell, Ida, Cora, and Clara Greer, and Y. D. Moore and wife, as will appear by their conveyances of record in the office of the Register of Deeds of Caldwell County.

Town officers. Sec. 3. That the officers of said town shall be a mayor, three commissioners, and a town marshal, who shall be elected by the qualified voters of said town on the Tuesday next after the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter; and the following named persons shall be officers of said town until the time of such election, to wit: Delos Dolliver, mayor; J. T. Henderson, F. H. Broome, and H. C. Council, commissioners, and M. E. Whitener, town marshal.

First officers named.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 20.

AN ACT TO AUTHORIZE THE LEVY OF ADDITIONAL TAX TO SUPPORT THE GRADED SCHOOLS OF LEXINGTON, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Election to be ordered. Date. Section 1. That the board of commissioners of the town of Lexington shall order an election to be held on the first Monday of May, one thousand nine hundred and thirteen, to submit to the qualified voters of said town the question of levying a special annual tax of not more than fifteen (15) cents on the one hundred dollars ($100) valuation of property and forty-five (45) cents on

Question to be submitted.

the poll, for the support of the graded schools of said town, in addition and supplemental to the graded school tax provided for in chapter fourteen, section eighteen, of the Private Laws of one thousand nine hundred and seven. A registrar and two judges of election shall be appointed by the board at the time of the ordering the same, and the registration shall be had and the election held under the rules and regulations provided by law for the election of members of the General Assembly, except as otherwise specified and provided in this act.

Election officers.

Law governing registration and election.

Sec. 2. Said board shall designate the voting precinct in said town at which said election shall be held and cause publication of the time, place, and object of said election to be made for thirty days in the *Dispatch* newspaper, and at the courthouse door and four other public places in said town; and for the purposes of said election the registration books of the several wards of said town shall be consolidated into one registration book, which shall contain the names of all persons heretofore registered in all the wards and the names of all others who may register for said election.

Voting precinct.

Notice of election.

Books consolidated.

Sec. 3. At said election those favoring the levying of said tax shall vote a ballot on which shall be written or printed the words "For School Tax," and those opposed shall vote a ballot on which shall be written or printed the words "Against School Tax."

Ballots.

Sec. 4. On the day following said election the judges thereof shall make return of the same to the board of commissioners, who shall canvass and declare and record the vote, and if it shall be found that a majority of the qualified voters have voted "For School Tax," said board shall, at the time of levying other taxes, levy a tax of not exceeding fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll for the graded schools of said town, in addition and supplemental to the graded school tax provided for in chapter fourteen, section eighteen, of the Private Laws of one thousand nine hundred and seven, which additional tax shall be collected as other taxes are, and shall be used for the support of the graded schools of said town.

Returns.

Canvass of returns.

Effect of election.

Sec. 5. That the expense of said election shall be paid out of the graded school fund of said town.

Expense of election.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 21.

AN ACT TO AMEND CHAPTER 74, PRIVATE LAWS OF 1901, INCORPORATING THE TOWN OF EAST SPENCER, ROWAN COUNTY, EMPOWERING THE BOARD OF ALDERMEN TO GRADE AND PAVE THE SIDEWALKS OF SAID TOWN AND ASSESS THE ABUTTING PROPERTY-OWNERS ONE-HALF OF THE COST OF THE SAME.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-four of the Private Laws of one thousand nine hundred and one, incorporating the town of East Spencer, Rowan County, be and the same is hereby amended by adding at the end of section thirteen of said act, and to be known as subsection (*a*), the following:

Power to improve sidewalks.

"That the board of aldermen of the town of East Spencer are hereby given full power and authority to improve the sidewalks of said town and to pave them with cement or other material, and to do the work or give it out by contract or otherwise, and to pave the sidewalks of such streets in said town as they may deem necessary and proper, and make such necessary grades and excavations as they deem expedient, and the cost of such grading and paving shall be paid as follows: One half by the town and the other half by the abutting property-owner, or owners, but such abutting property-owner shall be liable for one-half of the actual cost of such sidewalk immediately abutting, adjoining, and adjacent to his property; that said board of aldermen shall assess and charge against each abutting owner the amount he shall pay according to this act, and shall give him or his agent at least fifteen days notice of the amount due by him for such improvements within a reasonable time after the completion of said sidewalk abutting his property, and request him to pay to the board of aldermen the amount so assessed, and if the same should not be paid within thirty days from the completion of the sidewalk abutting such owner, then the board of aldermen shall make said assessment and enter it upon the tax books of said town, and turn it over to the town tax collector to be collected as State, county, and municipal taxes are collected; and said tax collector is hereby vested with full power and authority to add the amount of said assessment to the taxes of the respective abutting landowner and collect the same as is now provided by law for the collection of general taxes as set forth in chapter seventy-two of the Revisal of North Carolina, and to that end said chapter of said Revisal is hereby made a part of this act to all intents and purposes as far as practicable; that the amount assessed against each respective abutting landowner shall be a specific lien on the real estate so improved by said sidewalk or by the placing of said sidewalk adjacent to it.

Apportionment of expense.

Assessment on property and notice to owner.

Assessments collected as taxes.

Liens on real estate.

Sec. 2. That the tax collector of said town may, on January the first of each year, or as soon thereafter as possible, advertise and sell, for nonpayment of taxes, the assessments by virtue of this act, any and all real estate abutting said sidewalk so improved, and may on and after said time advertise and sell other real estate upon which taxes remain unpaid, as now provided by law for the sale of real estate for the nopayment of taxes. Sale of real estate for assessments.

Sec. 3. That all laws in conflict with this act, so far as East Spencer is concerned, are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 22.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND PROVIDE FOR NOTICE BEFORE SUIT.

The General Assembly of North Carolina do enact:

Section 1. That no action shall be instituted or maintained against the city of Greensboro upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the board of commissioners of said city and said board of commissioners shall have declined to pay or settle the same as presented, or for ten days after such presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose or in any manner interfere with its running. Actions not instituted before demand and refusal. Statute of limitation.

Sec. 2. That no action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless, within six months after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice in writing to the board of commissioners of said city of such injury, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury or in any manner interfere with its running. Action for damages within six months.

Sec. 3. That nothing in this act shall be construed to affect any action now pending in the courts. Pending actions not affected.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 23.

AN ACT TO AUTHORIZE AN ISSUE OF BONDS FOR SCHOOL PURPOSES BY THE BOARD OF GRADED SCHOOL TRUSTEES OF SCOTLAND NECK, AND TO PROVIDE AN ELECTION THEREFOR.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Denomination.

Interest.

Maturity.

Authentication.

Record.

SECTION 1. That the board of graded school trustees of Scotland Neck shall be and are hereby authorized and empowered to issue bonds of "The Scotland Neck Graded School District" to an amount not exceeding sixteen thousand dollars, of such denomination and of such proportion as such board of trustees may deem advisable, bearing interest from date at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually at such time or times and at such place or places as may be deemed advisable by such board of trustees; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times not exceeding fifty years from the date thereof, and at such place or places, as said board of trustees may determine. Said bonds shall be signed by the chairman of said board of trustees and countersigned by the secretary thereof, and a record kept of all bonds issued.

Specific appropriation of proceeds.

SEC. 2. That the proceeds arising from the sale of said bonds shall be expended by said board of graded school trustees in the refunding and retirement of the existing indebtedness incurred by said board of graded school trustees in building, furnishing, and otherwise providing for a graded school in the said "The Scotland Neck Graded School District."

Sale not below par.

SEC. 3. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for a less sum than their par value.

Coupons receivable for taxes.

SEC. 4. That the interest coupons shall be receivable in payment of all taxes and other public dues of the town of Scotland Neck for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times or place or places therein named, he shall not be entitled to interest thereon for the time they have been outstanding after maturity.

Interest to cease.

Special tax.

SEC. 5. That for the purpose of providing for the payment of said bonds and the interest thereon and of defraying the expenses of the public graded schools in the town of Scotland Neck, the board of commissioners of the town of Scotland Neck shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and thirteen, levy and lay a particular tax (in addition to the tax provided for said graded school district by chapter

four hundred and fifty-one of the laws of one thousand nine hundred and three) on all persons and subjects of taxation within the limits of the said Scotland Neck Graded School District on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; and said particular tax shall not be more than twenty cents on one hundred dollars assessed valuation of property and not more than sixty cents on each taxable poll. Rate.

Sec. 6. That said taxes shall be collected by the tax collector of the town of Scotland Neck at the time and in the manner that the municipal and other school taxes are collected; and said tax collector shall pay the same over to the treasurer of said town, who shall keep said money separate and apart from the municipal funds. And the treasurer shall pay out said taxes and other funds which may come into his hands for the use of graded schools only upon warrant of the chairman and secretary of said board of graded school trustees. Collection of tax. Separate fund. Warrants for payments.

Sec. 7. That the provisions of sections one and five of this act shall be submitted to a vote of the qualified voters of said Scotland Neck Graded School District, at an election be held in the town of Scotland Neck on the second Tuesday in March, one thousand nine hundred and thirteen, or, if for any cause said election cannot be held on said date, at any day thereafter to be designated by said board of commissioners; and the Board of Commissioners of Scotland Neck shall cause said election to be held on said date, and shall cause notice of said election, containing a copy of sections one and five of this act, or a synopsis thereof, to be published in the "Commonwealth," a newspaper of said town, for two weeks prior thereto. And in all other respects said election shall be held and conducted under the provisions of law regulating municipal elections in said town: *Provided*, the board of commissioners of said town shall immediately upon the ratification of this act give at least ten days notice that there will be an entirely new registration of the voters of said town, to begin immediately after the expiration of said notice and to continue until Saturday at twelve o'clock preceding said election, to be conducted under the rules and regulations prescribed by the law in municipal elections for said town. Those qualified voters approving the issue of bonds provided for in section one and the levy and collection of the particular taxes provided for in section five of this act shall deposit a ballot containing the printed words "For School Bonds," and those disapproving the same shall deposit a printed ballot containing the words "Against School Bonds." If a majority of said voters shall vote "For School Bonds," it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid board of graded school trustees the authority to issue bonds, and to the board of commissioners of said town the authority to levy Bonds and tax to be voted on. Date of election. Notice of election. Law governing election. Proviso: notice of new registration. Ballots. Effect of election.

said particular tax, and the said board of graded school trustees and said board of commissioners shall have such authority. But if a majority of said qualified voters shall vote "Against School Bonds," then said board of graded school trustees and said board of commissioners shall not have said authority. The result of said election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Scotland Neck, and after thirty days from the date of the election shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said qualified voters shall fail to vote in favor of issuing said bonds and of levying said particular tax, said board of commissioners shall order another election at any time after the expiration of thirty days from the date of the former election, when requested to do so by the said board of graded school trustees; and if at said election a majority of such qualified voters shall vote for school bonds, it shall have the same force and effect as if no election had been previously held: *Provided*, no election shall be held under the provisions of this act after the first day of July, one thousand nine hundred and fourteen.

Record of result.

Proviso: further election.

Proviso: limitation.

Sec. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of February, A. D. 1913.

CHAPTER 24.

AN ACT TO INCORPORATE THE TOWN OF DREXEL IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Corporate powers.

Section 1. That the inhabitants of the town of Drexel in Burke County are hereby incorporated under the name and style of Drexel, with all the rights, duties, powers, and liabilities given under the general law of the State to municipal corporations. That the said town shall be vested with all privileges, immunities, franchises, and property appertaining to towns incorporated under the said general laws of the State, and in its corporate name may sue and be sued, plead and be impleaded, acquire and hold property, both real and personal, for the use of the said town, such as the board of commissioners, hereinafter named or their successors, may deem necessary and expedient.

Corporate limits.

Sec. 2. That the corporate limits of the said town shall be and extend for one and one-half miles square, with its lines and boundaries run according to the four cardinal points of the compass and so located as to embrace the present depot of the Southern Railway Company of the said town at its center.

Sec. 3. That the officers of the said town shall consist of a mayor and three commissioners, to be elected by the qualified voters of the said town on the first Monday of May, one thousand nine hundred and thirteen, and each and every two years thereafter; and that until such election, A. J. Webber shall be mayor, and D. B. Mull, Cicero Berry, and J. W. Rector shall be commissioners, who, after their qualification by the taking of the usual oath of office, shall first proceed to the election or appointment of the clerical officers and policemen as they may deem necessary, including a tax collector, for the proper government of the said town, and as such officers (the policemen and clerical officers and tax collector) shall have such powers as such like officers of municipal corporations under the general law of the State: *Provided*, that the said mayor and commissioners may combine the duties of two or more of such clerical officers, policemen, and tax collector into one office, if in their judgment the same would best subserve the interest of the people and taxpayers of the said town.

Town officers.

First officers named.

Clerks and policemen.

Tax collector.

Proviso: offices may be combined.

Sec. 4. That the mayor and commissioners of the said town shall have the right and power to make and pass such ordinances as they may deem necessary for the proper government of the said town, and after making publication of the same for ten days, at three or more public places, it shall be a misdemeanor for any person or persons to violate any of such ordinances, and any one convicted of such violation shall be punished as provided in such ordinances. That the mayor of the said town shall be the trial justice of all offenses under the said ordinances of the said town, and shall receive such fees as are provided by law for justices of the peace; and the policeman shall receive for his services such fees as provided by law for the sheriff or township constable, and, in addition thereto, may receive such salary as the said mayor and commissioners shall deem reasonable and just.

Power to pass ordinances.

Violation of ordinance a misdemeanor.

Jurisdiction of mayor.

Fees of mayor.

Fees of policemen.

Sec. 5. That in addition to the powers hereby conferred upon the said mayor and commissioners to make, provide, and enact ordinances, by-laws, rules, and regulations for the good government of the said town, they may also provide for the assessment of the property within the said corporate limits and levy thereon such property and poll tax, together with any privilege tax or license, as they may deem necessary to provide revenue for the proper government of the said town: *Provided, however*, that the said levy shall at no time exceed the sum of forty cents on the hundred dollars valuation of property and one dollar and twenty cents on the poll.

Taxing power.

Privilege taxes.

Proviso: limit of tax rate.

Sec. 6. That the said mayor and commissioners shall have the power to lay out and open up any streets within the limits of the said town as they may deem necessary, and the right and power to widen, change, extend, or discontinue the same at any time when the best interest of said town may demand: *Provided, however*, that no private property shall be taken without compensation to

Powers as to streets.

Proviso: compensation to owners.

Proviso: assessment of damage.

the owner of the lands over which same may extend: *Provided further*, that in the assessment of damages, where claimed, within twenty days after the said street or streets may be so established, enlarged, or extended, the duty shall devolve upon the landowner to apply to the mayor of the said town, who shall, with the advice of the commissioners, select one juror residing within the corporate limits of the said town, to act with one from said town to be selected by the party claiming such damages, with the right of the two so selected to call in a third in case of disagreement, who shall view the lands and premises and the said street so laid out and established, and assess such damages as they may think reasonable and fair. But in the assessment of such damages the said jury shall also assess the advantages which may accrue to such landowner by reason of the said street, and deduct the same from the amount of such damages as they may find the landowner has sustained by the taking of the necessary lands for such street purposes as aforesaid; and such net amount shall be reported by them to the said mayor and commissioners, after being first duly verified by the said commissioners, that the same is reasonable and just in their opinion, and the said town shall thereupon become liable for the same: *Provided further*, that no damages shall be paid for the taking of such land for street purposes unless so claimed, within twenty days after notice of the same, by the owner of the said lands, and that nothing in this act shall be construed to prohibit any landowner to give and dedicate to the public use any lands or premises for street or other public purposes.

Proviso: damages to be claimed within twenty days.

Sec. 7. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 25.

AN ACT TO REVISE THE CHARTER OF THE TOWN OF ELKIN.

The General Assembly of North Carolina do enact:

Section 1. That the section fourteen of chapter forty-four of the Private Laws of the General Assembly of North Carolina for one thousand nine hundred and eleven, entitled "An act to consolidate and revise the charter of the town of Elkin," be amended so as to read as follows:

Power to tax property and polls.

"That the board of commissioners of the town of Elkin shall have power, not oftener than annually, to impose, levy, and collect

a tax upon all real and personal estate within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation taxed by the General Assembly for public purposes: *Provided*, that the rate of taxation shall not exceed forty-five cents on the hundred dollars valuation in any one year; and the said board shall have power to levy and collect a commutation tax upon all persons residing within the corporate limits of Elkin who may be liable to work on the public roads, in lieu of requiring of them such personal services on the roads and streets."

Proviso: limit of rate.

Tax in lieu of road work.

Sec. 2. That all laws and clauses of laws in conflict with this act, especially sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, of the Private Laws of the General Assembly of North Carolina for one thousand eight hundred and ninety-three, chapter three hundred and sixty-eight, be and the same are hereby repealed.

Sections specially repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 26.

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO ISSUE BONDS AND PROVIDE FOR THE COMPLETION OF THE GRADED SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the town of Waynesville is hereby required to submit to the qualified voters of said town at the next election for municipal officers of said town, to be held next May, the question whether an annual tax shall be levied on the property and polls of said town to pay the interest on the bonds in this act hereinafter provided to be issued, should a majority of the qualified voters of said town authorize the issuance of bonds as provided in this act.

Aldermen required to submit question.

Date of election.

Question to be voted on.

Sec. 2. That at the election held under the provisions of this act, those qualified voters who favor the levying of such tax and the issuance of said bonds shall vote a printed or written ballot with the words "For School Bonds" upon it, and those qualified voters opposed to issuing said bonds and levying said tax shall vote a printed or written ballot with the words "Against School Bonds" upon it.

Ballots.

Sec. 3. That if a majority of the qualified voters shall vote at said election in favor of the levying of said tax and the issuing of said bonds, then the board of aldermen of said town shall issue, pledging the credit of said town, coupon bonds to an amount not exceeding six thousand dollars, in such denominations

Bond issue.

Amount.

Denomination and interest.

Maturity.

Authentication.

Record of bonds.

Coupons receivable for debts to town.

Bonds not to be sold below par.

Commission on sale.

as the board shall elect, the interest to be at the rate of five per cent per annum, payable on the first days of July and January; said bonds and interest to be payable at such place as said board may designate, and said bonds shall become due and payable thirty years from the date thereof. And the said bonds and coupons shall be numbered and signed by the mayor of said town and countersigned by the treasurer of said town, and a record shall be kept by the town clerk and by the town treasurer of all bonds, observing the number, the amount, and to whom sold. The coupons shall be received in payment of all debts due the town. The said bonds shall not be sold at less than their par value, but the said board of aldermen may in its discretion pay a commission of not more than two and a half per centum of the amount of the issue, should the same become necessary to effect the sale.

Specific appropriation.

Sec. 4. That the proceeds arising from a sale of said bonds shall be used exclusively to pay for the completion of the graded school building now being erected, and for furnishing the same.

Special tax.

Sec. 5. That in order to pay the interest on said bonds as the same shall become due, and to create a sinking fund with which to pay the principal when the same becomes due, it is hereby made the duty of the board of aldermen of said town to annually compute and levy, at the time of the levying of other taxes of the said town, a sufficient special tax upon the property and polls of said town, at all times observing the constitutional equation, with which to regularly and promptly pay the interest on said bonds, and to create a sinking fund with which to pay the principal of said bonds at maturity thereof. This special tax shall be collected by the tax collector of the town as other taxes and paid to the town treasurer, and the taxes levied and collected under the provisions of this act shall be kept separate from other taxes and only applied as herein provided.

Constitutional equation.

Specific appropriation.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 4th day of February, A. D. 1913.

CHAPTER 27.

AN ACT AUTHORIZING THE ISSUE OF STREET BONDS BY THE TOWN OF FRANKLINTON.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Style of bonds.

Amount and denomination.

Interest.

Section 1. That the commissioners of the town of Franklinton, in Franklin County, be and they are hereby authorized and empowered to issue bonds of said town of Franklinton, to be styled "Franklinton Street Bonds," to an amount not to exceed twelve thousand dollars, of such denomination and of such proportion as said commissioners may deem advisable, bearing interest from

the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said commissioners; said bonds to be signed by the mayor and clerk of said town of Franklinton, and to be of such form and tenor, and transferable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said commissioners may determine; and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. Authentication. Maturity. Bonds issued as needed.

Sec. 2. That out of the taxes collected by said town of Franklinton shall be annually set aside enough to pay the interest on all bonds and provide a sinking fund in payment of same at maturity. Interest and sinking fund.

Sec. 3. That the proceeds from the sale of said bonds shall be used in paying for work done or that may be done on the streets of said town. Appropriation of proceeds.

Sec. 4. That this act shall be in force from and after the date of its ratification.

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 28.

AN ACT TO AUTHORIZE THE TOWN OF DUNN TO ISSUE BONDS FOR THE CONSTRUCTION OF A SEWERAGE SYSTEM FOR SAID TOWN.

Whereas the board of commissioners of the town of Dunn having found as a fact and determined the establishment of a sewerage system for said town to be a public necessity, and the issuance of sufficient bonds of said town to pay for the installation and construction of the same, and the levy of a special tax sufficient to pay said bonds at maturity and the interest on same as it becomes due to be a necessary public expense, did submit the question of the issuance of fifty thousand dollars ($50,000) of bonds of said town and the levy of the special tax for the purpose aforesaid to the voters of said town at an election held on the first day of August, one thousand nine hundred and twelve; and whereas at said election a majority of the votes cast were favorable to the construction of such sewerage system and the issuance of the bonds of said town and the levy of the special tax as aforesaid for the purpose of defraying the necessary expense in installing said sewerage system: Now, therefore, Preamble: public necessity. Preamble: majority of votes cast for bonds.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the commissioners of the town of Dunn be and they are hereby authorized to issue coupon bonds not to

Amount.

exceed in amount the sum of fifty thousand dollars ($50,000) and

Denominations.

in denominations of not less than one hundred dollars ($100)

Interest.

nor more than one thousand dollars ($1,000), bearing interest from date of bond at a rate not to exceed six per centum per annum and payable semiannually on the first day of January and

Maturity.

the first day of July of each year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said commissioners and named therein, said date of payment not to be

Proviso: bonds may be classified.

more than thirty years from the date of said bonds: *Provided, however*, that the said commissioners of the town of Dunn may divide said bonds into classes as they may determine best, and have them mature at different convenient dates between the date of issue of said bonds and the limit of thirty years before mentioned. It is further enacted that said bonds and their coupons

Authentication.

shall be numbered consecutively, and the bonds shall be signed by the mayor of the town of Dunn and countersigned by the clerk of said town and have the corporate seal of said town affixed thereto; and the coupons attached thereto shall bear facsimile signature of the mayor of said town engraved or lithographed

Coupons receivable for town dues. Record of bonds.

thereon, and said coupons shall be receivable in payment of any taxes due or to become due said town; that a record shall be kept of the said bonds, showing the numbers and denominations thereof, to whom sold, the dates of issuing thereof, when the same will mature, the interest-bearing rate thereof, the amount received from the sale of the same, the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the board of commissioners may direct to be kept.

Bonds not to be sold below par.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold or hypothecated for less than their face value, and the

Treasurer to receive moneys.

treasurer of the town shall receive all moneys paid on account of the purchase of the bonds in his official capacity as treasurer of

Liable on bond.

said town, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the

Bond of treasurer.

treasury of said town; and it shall be the duty of the board of commissioners of said town of Dunn to see to it that the bond of said treasurer shall at all times be sufficient in amount, and with satisfactory sureties, to provide against any loss of money arising from the sale of said bonds, and to that end they may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof may remove him from his office as treasurer.

Sec. 3. That the treasurer of the town of Dunn shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended under the direction of the board of commissioners of the town of Dunn for the exclusive purpose of constructing and erecting a general sewerage system and sewerage disposal for said town of Dunn. Funds kept separate. Specific appropriation.

Sec. 4. That for the purpose of erecting, constructing, and equipping a sewerage system for said town, the commissioners of said town shall have authority to employ all such engineers, agents, and servants as they may deem necessary or expedient, and whenever necessary the board of commissioners in the name of the town of Dunn may acquire rights of way, easements, and such lands as may be necessary for the location of said sewerage system and disposal plant either within or without the corporate limits of the town of Dunn, by condemnation as is now or may hereafter be provided by law for condemnation of lands and rights of way by railroad companies: *Provided*, that this shall not prevent condemnation by any other method now authorized by the charter or by the general laws relating to said town of Dunn. Employment of engineers, agents, and servants. Power to condemn land. Proviso: alternative method.

Sec. 5. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the board of commissioners of the town of Dunn shall levy and collect a special tax of not exceeding thirty-five cents on every one hundred dollars ($100) worth of taxable property in said town, and not exceeding one dollar and five cents ($1.05) on every taxable poll in said town, and the money paid into the city treasury received from the taxes upon this act shall be appropriated for the payment of said bonds and coupons, and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of said board of commissioners to the general funds of said town of Dunn. Special tax. Rate. Specific appropriation. Proviso: surplus to general fund.

Sec. 6. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 29.

AN ACT TO RATIFY THE ACTION OF THE TRUSTEES OF THE MORGANTON GRADED SCHOOL IN THE PURCHASE OF THE WILSON TATE PROPERTY IN THE TOWN OF MORGANTON FOR THE USE OF SAID SCHOOL, AND TO VALIDATE THE TRUST DEED EXECUTED BY SAID TRUSTEES IN THE NAME OF SAID SCHOOL TO THE BUILDING AND LOAN ASSOCIATION OF MORGANTON TO SECURE A DEBT OF $2,000 INCURRED IN THE PURCHASE OF SAID PROPERTY.

Preamble: purchase of property.

Whereas the trustees of the Morganton Graded School did, on the twelfth day of September, one thousand nine hundred and eleven, purchase for the use of said graded school the property known as the Wilson Tate property in the town of Morganton, North Carolina, at the price of two thousand two hundred and fifty dollars ($2,250), and had the title to said property made to said school; and whereas at the same time and as a part of the same transaction the Bank of Morganton, North Carolina, advanced to said graded school the moneys used in the purchase of said property, taking from said school a trust deed or mortgage on said property to secure such advancement; and whereas the said trustees, being anxious, as soon as might be, to have discharged the lien and indebtedness on said property incurred in its purchase, as aforesaid, did, for that purpose, negotiate a loan from the Morganton Building and Loan Association of two thousand dollars ($2,000), to be liquidated by the payment of monthly premiums on certain shares of stock held by said graded school in said association, together with interest on said loan as provided in the rules and by-laws of said association; and whereas the said Morganton Graded School was required to execute to said association as a security for said loan a trust deed or mortgage for said sum of two thousand dollars ($2,000) on said Tate property, in addition to the transfer by the said Bank of Morganton of its trust deed or mortgage on said property to said association and the assignment of said graded school of its twenty (20) shares of stock in said building and loan association, series number seven, of then present value of eight hundred and thirty dollars ($830), to said association; and whereas the said trustees were further required to enter into an individual, binding obligation to hold and save harmless the said building and loan association from any loss or damage which it might sustain by reason of any lack of power on the part of said Morganton Graded School to make and execute said mortgage or trust deed to said Morganton Building and Loan Association, and to use all lawful efforts to secure the passage of an act by the General Assembly of the State of North Carolina ratifying and confirming the action of the said trustees in the making and execution thereof: Now, therefore,

Preamble: trust deed for price to bank.

Preamble: loan from building and loan association.

Preamble: mortgage to building and loan association.

Preamble: individual guaranty of trustees.

The General Assembly of North Carolina do enact:

Section 1. That the action of the Board of Trustees of the Morganton Graded School in buying the Wilson Tate property for the use of said school, and the execution by said Morganton Graded School of the trust deed or mortgage to the said Morganton Building and Loan Association to secure the debt of two thousand dollars ($2,000) incurred in the purchase of said property, be and the same is in all respects ratified and confirmed, and the said trust deed is hereby declared a good and valid lien on said property, and none other, enforcible, under the terms thereof, in case of default, by a sale of said property and conveyance of title to the purchaser by the trustee therein named as in cases of trust deeds or mortgages executed by private individuals to said association, and that upon the passage of this act the personal liability of the said trustees in the transaction herein mentioned shall cease and determine. Action of trustees ratified. Trust deed a valid lien. Trustees discharged.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of February, A. D. 1913.

CHAPTER 30.

AN ACT TO RECHARTER THE TOWN OF BESSEMER CITY AND TO REPEAL THE CHARTER OF SAID TOWN HERETOFORE EXISTING.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and seventy-seven of the Private Laws of one thousand eight hundred and ninety-three, chapter one hundred and eighty-nine of the Private Laws of one thousand eight hundred and ninety-five, and chapter five hundred and eighty-four of the Private Laws of one thousand nine hundred and nine, and all acts amendatory of either of said acts, be and the same are hereby repealed. Laws repealed.

Sec. 2. That the town of Bessemer City in Gaston County, North Carolina, shall be and remain a municipal corporation, under the name and style of "Bessemer City," and shall be subject to the general laws of North Carolina in regard to towns and cities, except as herein otherwise provided. Town incorporated. Corporate name. Corporate powers.

Sec. 3. That the corporate limits of said town shall be as follows: Beginning at a point in the center of the Southern Railway main-line track, which point is one and one-fourth miles southwesterly in a direct line from the intersection of the center line of Twelfth Street in said town and the center line of Pennsylvania Avenue in said town, which street and avenue are designated on the plat or map of said town made by W. R. Richardson, surveyor, in one thousand eight hundred and ninety-one; thence Corporate limits.

northeasterly in a direct line, passing through said intersection of Twelfth Street and Pennsylvania Avenue to a point two and one-half miles northeasterly from the beginning point; the above described line shall be the longitudinal axis of a rectangle whose length is two and one-half miles, and whose width is one and one-fourth miles, and that the area included in said rectangle shall be and constitute the corporate area of said town.

Town commissioners continued in office.

Sec. 4. That the board of town commissioners now in office in said town shall continue in such office until the first Monday in June, one thousand nine hundred and thirteen.

Board of town commissioners.

Sec. 5. That the officers to be elected by the people of said town shall consist of six commissioners, who, in their official capacity, shall be styled "The Board of Town Commissioners."

Election of commissioners.

Sec. 6. That said commissioners shall be elected by the qualified voters of said town, and that the first election for commissioners hereunder shall be held on the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter.

Terms of office.

Sec. 7. That the term of office of commissioners so elected shall begin on the first Monday in June next succeeding their election, and they shall hold office for two years and until their successors shall have been elected and until at least four of their successors shall have qualified. Every person elected a commissioner shall qualify as such on the first Monday in June next after his election, or within thirty days thereafter, and in case any such person elected shall fail to qualify within said period, then said office to which he has been elected shall be deemed to be vacant, which vacancy may be filled by the members then acting.

Time for qualification.

Powers of commissioners.

Sec. 8. That said board of town commissioners shall have power:

To elect officers.

(*a*) To appoint a mayor, treasurer, tax collector, secretary, police, and any such other officers and agents as they may deem necessary and expedient, and such officers and agents so appointed shall hold office during the will and pleasure of said board, but not for a greater time than until the expiration of the terms of office of the commissioners making such appointments.

To appoint recorder.

(*b*) To appoint a recorder for a term ending with the expiration of the terms of office of said commissioners, and such recorder shall be removable from office by said board, for cause only.

To pass by-laws and ordinances.

(*c*) To pass all lawful by-laws, ordinances, rules and regulations for the government of the town and to provide for the enforcement of the same and to prescribe the penalty for violation thereof; to prescribe the compensation to be received by the mayor and other officers and agents of the town, except that the compensation of the recorder shall be such fees, and none other, as justices of the peace would be entitled to for like services.

Penalty for violation of ordinances.

Compensation of officers.

Compensation of commissioners.

(*d*) To determine the compensation to be paid the commissioners for their services as such; but no commissioner shall be entitled to more than two dollars for each commissioners' meeting

which he shall attend, nor for more than twelve meetings per year, for his service as commissioner; but said board may allow such reasonable compensation as they may deem proper to any commissioner for special service in behalf of said town. Compensation for special service.

(*e*) To levy license and taxes on the business and property of the town and also upon the polls: *Provided*, that said taxes shall not exceed one dollar on the one hundred dollars valuation, and three dollars on the poll, State and county valuation to be taken as the valuation of property taxed. Licenses and taxes. Proviso: limit of tax rate.

(*f*) To borrow money, issue bonds, and create other indebtedness on the credit of the town for necessary expenses and improvements in accordance with law; and, in accordance with section seven, article seven of the Constitution of North Carolina, shall have power, after having submitted the same to an election, and being authorized thereto by a majority of the qualified voters of the town, to issue bonds for such purposes as they shall deem expedient for the town's welfare, such election to be held and such bonds issued in accordance with section two thousand nine hundred and sixteen of the Revisal of one thousand nine hundred and five, as amended by chapter eighty-six of the Public Laws of one thousand nine hundred and eleven; and further, that said board shall have power to levy special taxes for the purpose of creating sinking funds and paying interest on bonded and floating indebtedness of said town, created in accordance with law. Power to borrow money and issue bonds. Special taxes.

(*g*) To procure and adopt a corporate seal for said town. Corporate seal.

(*h*) To condemn private property for the public use of the town; and whenever private property shall be required for public use, the said board of town commissioners shall appoint an appraiser, and the owner of such private property may appoint one appraiser, and the two appraisers so appointed shall appoint a third appraiser, each of which appraisers shall be a resident and freeholder of said town. Such appraisers shall meet within three days after their appointment, and after being duly sworn to act impartially and according to their best judgment, they shall proceed to appraise the damage which will ensue to such private property-owner in consequence of such condemnation, and shall report their findings, verified by their oaths, to the private owner and to the board of town commissioners, without delay; and whenever, within six months thereafter, said board of town commissioners shall pay or tender payment of the amount named by said appraisers to such private owner, the property so appraised shall be deemed condemned for public use; but the owner of property so condemned shall have the right to appeal from the findings of such board of appraisers to the Superior Court of Gaston County for trial by jury. In case such private owner shall desire to appeal, he shall cause written notice to be served upon the mayor Power to condemn property. Procedure for condemnation. Right of appeal. Notice of appeal.

of said town, by some proper officer, leaving a copy of such notice with such mayor, or, in the absence of such mayor, service may be made upon any one of the town commissioners in like manner, and such notice shall be served within thirty days from the date of the findings of the appraising board; and the officer serving such notice shall return the original notice, with the manner and date of service indorsed thereon, to the Clerk of the Superior Court of Gaston County, who shall forthwith docket the cause for trial at the next ensuing term of the said Superior Court for the trial of civil actions, when and where the cause shall stand for trial as any other civil action. In case any private owner shall refuse or fail to appoint an appraiser as hereinbefore provided, within thirty days after being notified to do so, he shall be deemed to have waived his right to so appoint, and the board of town commissioners may appoint such appraisers in behalf of such private owner and the appraisement be proceeded with in like manner as if such private owner had exercised his right to appoint.

Commissioners to appoint appraisers on refusal of property-owner.

Vacancies.

(*i*) Vacancies in the board of town commissioners may be filled by the remaining members of such board, for the unexpired term; and vacancies may be declared whenever the resignation of any member is tendered and accepted by the board, or whenever a member shall have been absent from three consecutive meetings of the board, of which he shall have had at least one day's notice in advance of each meeting; and removal from the corporation shall vacate the office of any commissioner so removing.

Nonattendance on meetings or removal from town to work vacancy.

Assessment of property for street improvement.

(*j*) Said board of town commissioners shall have power to assess private real property abutting streets where public and permanent improvement shall be made to sidewalks or roadway in any street, in such amount as will not exceed the special benefit which such improvement will yield to such abutting property; but such assessment shall not exceed fifty per centum of the cost of such improvement; and such amount so assessed shall be and become a lien upon such abutting property subordinate only to all lawful taxes, and shall be collectible in the same manner as municipal taxes are collectible.

Limit of amount.

Assessment a lien on property.

Collection of taxes by distress.

(*k*) Said board of town commissioners may order the town tax collector to levy upon the property of any delinquent town taxpayer, and when so ordered, said tax collector shall have the same powers of seizure and sale of such property as is or may be conferred by law upon sheriffs or tax collectors in the collection of State and county taxes: *Provided further*, that the first Tuesday in any month shall be deemed "Sale Day" for the purposes set forth in this subsection, and that at the door of the town hall, between the hours of ten o'clock A. M. and three o'clock P. M., shall be the time and place for making all such sales; but no sale

Notice of sale.

shall be made hereunder until after twenty days notice posted at the town hall door and, if the sale be of real property, upon the property to be sold, and at two other public places in said town. And whenever sale of real property shall be made under this subsection, the power to convey and pass title thereto shall be vested in said town tax collector, or his successor in office, as fully as the sheriff or tax collector of Gaston County is or may be empowered to do when real property may be sold for the collection of State and county taxes; and all laws which are or may be enacted not inconsistent with this subsection shall be applicable to the conveyance and passing of the title to any such real property. Conveyance of property.

(*l*) Said board of town commissioners shall have power to provide for the collection of town taxes, by authorizing the town treasurer to receive taxes from individual taxpayers and issue tax receipts therefor at any time after taxes may be levied in each year and before the tax books shall be placed in the hands of the tax collector; and to provide that whenever any individual taxpayer shall pay his taxes for the current year, on or before September thirtieth of that year, he shall be allowed a discount of two per centum on the amount of his taxes; whenever such tax shall be paid during the month of October or November in such year, he shall be allowed a discount of one per centum on the amount of his taxes; whenever such tax shall be paid during the month of December in such year, no discount shall be allowed; and on and after January first in each year said board of town commissioners shall provide for the collection of all unpaid taxes by the tax collector, and under such orders for distraint as they may deem proper and which may be in accordance with law. Payment of taxes in advance. Discount for prompt payment.

Sec. 9. No person shall be eligible to election to the office of commissioner unless he shall be a qualified voter at the town election at which he shall be elected; and no person shall be eligible to appointment to or to hold the office of mayor, treasurer, recorder, or tax collector who is a commissioner; but the mayor and recorder may be one and the same person, when the board of town commissioners shall so appoint. Any male person above the age of twenty-one years shall be eligible to hold any other office or agency in said town. Persons eligible to offices.

Sec. 10. (*a*) The mayor shall be chairman of the board of town commissioners, but he shall have no vote on any question being considered by the board, except in case of a tie, when he shall have the deciding vote. It shall be his duty to report to the board of town commissioners at each meeting thereof any conditions then existing in said town which in his judgment require the attention of the board. He shall sign all orders drawn on the treasurer by order of the board, execute all orders and resolutions of the board the execution of which is not otherwise pro- Powers of mayor. Duty of mayor.

vided for, and shall execute all contracts, notes, bonds, or other instruments of writing, when ordered by said board to do so, and the following form of execution shall be deemed valid and sufficient when the corporate seal of said town shall be thereto affixed:

By order of the board of town commissioners.
[Corporate Seal.] .....,
Mayor.

Attest:

.....,
Secretary to the Board.

Duties of treasurer.

(*b*) The treasurer shall receive all moneys of the town from the tax collector and receipt for same. He shall pay them out only upon orders of the board of town commissioners, signed by the mayor and countersigned by the secretary; and he shall give bond for the faithful discharge of his duties in such penalty as may be required by said board. He shall render a statement to said board whenever required so to do, showing receipts, disbursements and balance on hand, and shall render a full and complete statement to said board at the close of his term of office.

Bond.

Bond of tax collector.

(*c*) The tax collector shall give bond for the faithful discharge of the duties of his office in such sum as may be required by said board, and it shall be his duty to receive the tax books when tendered to him by the board, and to use due diligence in collecting all taxes, licenses, and penalties and other moneys due the town, and shall pay over all moneys collected to the treasurer each month, and at any time when required to do so by order of said board. He shall render an account to said board whenever required to do so, showing items collected and items uncollected, and shall render a full account at the close of his term of office. He shall obey the order of said board in regard to distraint for collection of taxes and shall be liable for all uncollected taxes, except such as he may be relieved of by said board.

Duty of tax collector.

Bond of chief of police.

(*d*) The chief of police shall give bond in such sum as may be required by the board of town commissioners, and he shall have the same powers and duties as are or may be provided for town constables and police officers in towns and cities by the general statutes of North Carolina, and shall have power to serve civil process within the limits of said town as is now conferred by law upon township constables.

Powers and duties.

Recorder an inferior court.

Jurisdiction.

(*e*) The recorder shall be deemed an inferior court, with jurisdiction concurrent with justices of the peace in all causes of action, civil or criminal, arising within the limits of said town; and the code of procedure applicable to courts of justices of the peace shall likewise apply to said recorder's court, except that

no cause of action, civil or criminal, arising under the ordinances of said town shall be removable from said recorder's court to that of a justice of the peace.

Duties of secretary.

(*f*) It shall be the duty of the secretary to said board to record all the proceedings of the board in a properly bound book provided for that purpose; to record all ordinances adopted by said board in a separate book provided for that purpose only, and such ordinances shall be numbered consecutively and the date of the adoption thereof duly recorded; to attest the execution of all instruments of writing in behalf of said town, the execution of which may require attestation; to deliver to said board for delivery to his successor or for other disposition by said board all town records belonging to his office, upon the request of the board; to prepare an annual statement of the affairs of the town for publication by said board, and to perform all such other duties appertaining to his office as the said board may impose. He shall give bond for the faithful discharge of the duties of his office in such sum as said board may require.

Annual statements.

Duties of other officers and agents.

(*g*) The duties of all other officers and agents of said town shall be such as may be imposed by the said board of town commissioners.

Extent of power of condemnation.

Sec. 11. The power of condemnation of private property for public use, set forth in section eight, subsection (*g*) of this charter, shall extend to all property heretofore dedicated or hereafter to be dedicated to any public use; and when it is sought to be condemned for uses other than that included in the dedication, notice of such intention or purpose shall be posted at the door of the town hall for thirty days prior to the appointment of appraisers in such proceedings, and any party in interest, desiring to be represented in such proceedings, shall make appointment of his appraiser and notify the mayor of such appointment within three days after the expiration of said notice, and if such appointment be not made, such party shall be deemed to have waived his right of appointment and the board of town commissioners may appoint one appraiser to represent all such parties in interest as shall not have made such appointment, and proceed as provided in said section eight, subsection (*g*).

Notice of condemnation.

Rights and powers under former charters confirmed.

Sec. 12. That under and by virtue of this charter the said town of Bessemer City shall have all the franchises, property, and rights in and of property which it now has under its present charter, and shall be liable and answerable on all contracts, obligations, and liabilities, including notes or other indebtedness, now existing, hereby validating, ratifying, and confirming all contracts and obligations of said town of Bessemer City made prior to the ratification of this act, and imposing upon said town, acting under this charter, the performance on the part of said town of the requirements contained in all such contracts and obligations.

Prohibition.

Sec. 13. License shall not be granted to any person, firm, or corporation to sell intoxicating liquors within the corporate limits of said town.

Sec. 14. This act shall be in force on and after the date of its ratification.

Ratified this the 7th day of February, A. D. 1913.

CHAPTER 31.

AN ACT TO PROVIDE FOR THE ERECTION OF AND EQUIPPING A GRADED SCHOOL BUILDING IN NORWOOD GRADED SCHOOL DISTRICT, CENTER TOWNSHIP, IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

School committee.

Section 1. That the present members, J. C. Dunlap, T. A. Hathcock, E. M. Brooks, J. I. Campbell, and L. W. Hartmof, the school committee in Norwood Special-tax School District in Stanly

Boundaries of district.

County, boundaries of which are as follows: Beginning at the west bank of the Pee Dee River, at the upper line of W. H. Parker home place, running with said line to W. D. Blalock line, including said place, also Frank Blalock place; thence with the line, including A. B. Swaringen land, also including H. C. Bowers' land, including G. O. Wilhoit, B. F. Snuggs, and Eben Lowder lands, following land of latter until it reaches the Salisbury road, thence crossing and includes Mrs. Eben Lowder's land, and thence southwesterly to the lands of J. B. Hudson's line until it reaches the public road near J. I. Campbell's place; thence, including the J. I. Campbell land and those of Barnhardt Brothers and Patterson's, also those of Hart and Hunter, and the Tom Morton place, to the J. W. Thompson place, including same; thence, including the Marquard place, also the Ellis Colson place; thence to the new public road, and across the new public road, including the J. C. Lee land, and also the James D. Lee lands; thence, including the Harrison Burris lands and the Lowder lands, to Rock River, to some distance above the railroad bridge; thence following the various courses of the said river to the southern boundary line of the S. J. Lentz lands; thence with the said line, including the lands of John W. Lisk, upper place, to the public road to the southern boundary of the T. Colson lands; thence with the southern boundary of said Colson lands to Pee Dee River; thence with

Committee incorporated.
Corporate name.

the Pee Dee River to the beginning, be and they are hereby made a body corporate under the name of the Board of Trustees of the Norwood Graded School, and the members thereof shall hold office

Trustees to be classified.

six years except as is hereinafter provided for. Immediately after the ratification of this act by a majority vote of the qualified voters of said district, the said board shall meet, and by lot divide

themselves into three classes, two of whom shall hold office for two years and two for four years, and one for six years, and until their successors are duly elected and qualified, as provided in section two of this act. Terms of office.

Sec. 2. When the term of office of any class shall expire, as above provided, their successors shall be elected for the term of six years by the qualified voters of Norwood Graded School District, as above constituted, at an election to be held in conjunction with, and on the same day of, and under the same rules and regulations as govern elections for mayor and commissioners of the town of Norwood in said district. All vacancies in said board of trustees caused by resignation or otherwise shall be filled by remaining members of the board by a majority vote thereof until the next general election, as hereinbefore provided. The office of trustee shall not be deemed public office, under the provisions of the Constitution of North Carolina. Election of successors. Vacancies. Trustees not officers.

Sec. 3. Said board of trustees, at their first regular meeting, and annually thereafter, on the first Tuesday in June in each year, shall elect from their number a president and treasurer. The treasurer shall have charge of all the moneys received and disbursed, and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive such compensation as may be fixed by said board, and give such bond as may be required by the said board of trustees. The said board shall also elect a secretary, who may or may not be one of the members of said board, as it shall deem best. Said secretary shall keep full minutes of all the meetings of the board, and shall attest the signature of the president to all legal documents, and shall be custodian of the corporate seal, and shall issue, by order of the board, all orders for the payment of money. Organization of trustees. Duties of treasurer. Compensation and bond. Secretary. Duties of secretary.

Sec. 4. That the said board of the Norwood Graded School shall be and remain a body corporate under the name, and may adopt and use a common seal; that the said corporation shall be vested with all the property, real and personal, and all other rights, privileges, and powers now owned, held, and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon, the trustees of the Norwood Graded School by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling and mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyance to said board of trustees shall be to them and their successors in office; and all deeds, mortgages, and other agreements affecting real estate, and all bonds and obligations, shall be deemed sufficiently executed when signed by the president and secretary of said board and attested by the seal of the said corporation. Corporate powers. Property vested in trustees. Liability of trustees. Further corporate powers.

Bond issue authorized.

Sec. 5. That for the purpose of raising money to build and equip a graded school building for the Norwood Graded School the board of trustees of the said Norwood Graded School is hereby

Amount.

authorized and empowered to issue bonds to an amount not exceeding fifteen thousand dollars, payable at such place as it may

Interest.

designate, which bonds shall bear interest, not exceeding six per cent per annum, payable semiannually at such time and place as said board may designate, and evidenced by coupons attached to

Authentication.

said bonds. Said bonds shall be signed in the name of the board of trustees of the Norwood Graded School by the president of the

Maturity.

said board, attested by its secretary, and shall mature in not more than forty years from the date of their issue.

Bonds not to be sold below par.

Sec. 6. That the said bonds shall not be sold for less than their par value, and that the proceeds from the same shall not be used

Specific appropriation.

for any other purpose than the purpose mentioned in section five

Denominations.

of this act. Said bonds shall be sold in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, to suit the purchaser or purchasers thereof.

Special tax.

Sec. 7. That for the purpose of providing for the payment of the same at their maturity, the board of county commissioners of Stanly County shall, annually, at the time of levying other taxes, levy and lay a special tax not exceeding twenty cents on every hundred dollars worth of property and sixty cents on every poll subject to taxation within the said graded school district, to meet the annual accruing interest on said bonds, and provide a

Collection and settlement of tax.

sinking fund, after five years, for the payment of the same. The tax provided for in this section shall be collected by the Sheriff of Stanly County and by him paid over to the treasurer of said graded school district, and shall be applied exclusively to the purpose herein provided.

Investment of sinking fund.

Sec. 8. That it shall be the duty of the said trustees to pay the interest on said bonds out of the moneys collected for the purpose, and to loan any and all moneys, and the accruing interest on the same, remaining from the special tax for sinking fund, upon notes with good and sufficient collateral security therefor.

Interest on sinking fund.

Sec. 9. That any money of said sinking fund so loaned shall bear the legal rate of interest in North Carolina, and any interest thereon shall be annually reloaned in the same way.

Election ordered on petition of trustees.

Sec. 10. That for the purpose of submitting to the qualified voters of the Norwood Graded School the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the board of county commissioners for the county of Stanly, upon petition of the board of trustees of Norwood Graded School, shall order an election to be held in the said district at the polling place in Norwood on a day to be named by the said board,

Election officers.

and they shall appoint a registrar and two judges of election, and

Notice of election.

shall give thirty days notice of said election in some newspaper

New registration.

published in Stanly County, and shall order an entirely new

registration of voters for said election, and said election shall be held under the law governing general elections except as herein provided.

Sec. 11. That at the said election those voting for issuing bonds and levying and collecting the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing said bonds and levying and collecting said taxes as herein provided for shall vote a written or printed ballot containing the words "Against School Bonds." Said election shall be held under the same rules and regulations as are provided for the election of members of the General Assembly. Ballots. Law governing election.

Sec. 12. That the registrar and judges of election, at the close of said election, shall canvass the votes and declare the results of the election and make two returns thereof, one to the county board of education of Stanly County and one to the county board of commissioners of Stanly County, and the board of commissioners shall order said returns recorded in the office of the register of deeds for said county. Canvass and return of votes. Record of returns.

Sec. 13. That if at the election a majority of the qualified voters of the Norwood Graded School shall be for bonds, then the board of school trustees shall proceed to issue and sell the bonds, or so many thereof as shall be necessary in their judgment and discretion for the purpose aforesaid. Bonds to be issued.

Sec. 14. That if a majority of the qualified voters shall fail to be in favor of issuing said bonds and levying and collecting the particular tax, the said board of county commissioners of Stanly County shall order another election at any time after twelve months from the date of the former election, when requested to do so by the board of trustees of the Norwood Graded School, and if at such election a majority of the qualified voters shall be "For School Bonds," it shall have the same force and effect as if no election had been previously held. Further elections.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1913.

CHAPTER 32.

AN ACT TO ANNEX A PORTION OF SCHOOL DISTRICT No. 5, IN NANTAHALA TOWNSHIP, MACON COUNTY, TO DISTRICT No. 3 OF SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That the line between School District Number Five and School District Number Three in Nantahala Township, Macon County, shall hereafter be as follows, to wit: Beginning on the Line set out.

top of the Otter Mountain above J. R. Waters' field, running thence down the top of a ridge to the Bateman Gap to the public road; thence up a mountain nearly south, the divide between Long Branch and White Oak Creek above J. V. Trammel's field; thence southwest with the top of said mountain to White Oak Creek; thence southwest straight to Nantahala River; thence down said river with its meanderings to the mouth of White Oak Creek; thence up said creek, intersecting with the line of District Number Three near M. K. Smith's dwelling-house.

Territory annexed to District No. 3.

Sec. 2. That the territory cut off of District Number Five as described in section one of this act be annexed to School District Number Three, and shall hereafter constitute a part of said School District Number Three in said Nantahala Township, and the school tax paid by any resident or property-holder in School District Number Three as above and herein described shall be applied to the school funds of said District Number Three.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of February, A. D. 1913.

CHAPTER 33.

AN ACT TO AUTHORIZE THE TOWN OF HAMLET TO ISSUE BONDS TO BUILD, ENLARGE, AND IMPROVE THE PUBLIC SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Bond issue authorized.
Interest.

Amount.

Denominations.

Maturity.

Authentication.

Section 1. That in order to provide funds for the building, repairing, or enlarging the public school buildings of the town of Hamlet, the commissioners of the said town are hereby authorized to issue coupon bonds, bearing interest, payable annually or semiannually, at a rate not exceeding six per cent, to the amount not exceeding ten thousand dollars ($10,000), in denominations not exceeding one thousand dollars and not less than one hundred dollars, payable not more than thirty years from issue. Said bonds being signed by the mayor of the said town, and countersigned by the treasurer, and sealed with the corporate seal of the said town, and the coupons on the said bonds shall bear the engraved or lithographed signature of the treasurer, and shall be payable, both principal and interest, at such place or places as the commissioners may determine. Said bonds shall be sold at public or private sale, for not less than par and accrued interest, with or without notice, and the proceeds of said bonds shall be applied for the purposes herein set out, and no other. The purchasers of the said bonds shall not be bound to see to the application of the purchase money.

Sale of bonds not below par.

Specific appropriation of proceeds.

Special taxes.

Sec. 2. When the bonds are issued as herein provided, the board of commissioners of the town of Hamlet are hereby authorized and directed to levy and collect a tax on all taxable property and polls in said town of Hamlet sufficient to pay interest on said bonds as the same may become due, and also before the principal of the said bonds shall become due to levy and collect a further tax to pay the same, or provide a sinking fund for the payment thereof. The tax so levied shall be an *ad valorem* tax, in proportion required by the Constitution of the State of North Carolina, and shall be levied and collected in the same manner and at the same time as other taxes upon property and polls in said town: *Provided, however*, that this act shall be submitted to the qualified voters of the town of Hamlet for ratification or rejection at an election to be held in said town at such a time as said board of commissioners may appoint, within two years from the ratification of this act. The election shall be advertised by the commissioners of said town for thirty days in some newspaper published in Richmond County, prior to the election, and shall be held under the supervision of inspectors and pollholders, or judges of election appointed by the commissioners, and said election shall be held in the same manner as in other municipal elections. In like manner as the other elections in said town, the commissioners shall canvass the result of said election. At the said election those voting in favor of issuing said bonds shall vote "For School Improvement," and those opposed shall vote "Against School Improvement," on written or printed ballots; that the number of the ballots cast for and against said bonds shall be deposited in the ballot boxes provided for that purpose, shall be counted, and the result of the said election certified and returned to the commissioners of the town of Hamlet; and the same when canvassed as aforesaid shall be certified under the hand of the mayor and the clerk and the treasurer, and the corporate seal of said town, to the Secretary of State, with said certificate of result. If at the said election a majority of the qualified voters of the town of Hamlet shall vote "For School Improvement," then this act shall be in full force and effect, and the commissioners shall issue the bonds as provided herein. If there is not a majority of the qualified voters in favor of the said bonds, then this act shall thereafter be of no force and effect.

Levy and collection of tax.

Proviso: act to be voted on.

Notice of election.

Election officers.

Law governing election.

Ballots.

Canvass and certificate of result.

Effect of election.

New registration authorized.

Sec. 5. That before the calling of the said election for said bonds, or at the time thereof, the commissioners of the town of Hamlet may order a new registration of the voters of the said town, and the commissioners may appoint some suitable person as registrar who shall act in the same manner and under the same rules and regulations as for regular municipal elections of the said town. All residents of the said town of Hamlet who shall be registered as provided herein shall be deemed the qualified voters of the said town, and no other.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1913.

CHAPTER 34.

AN ACT TO CHANGE THE NAME OF SPECIAL-TAX DISTRICT, No. 1, IN RED SPRINGS TOWNSHIP, ROBESON COUNTY; TO CREATE RED SPRINGS GRADED SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS, AND TO LEVY AN ADDITIONAL SPECIAL TAX.

The General Assembly of North Carolina do enact:

Name changed if special tax and bonds are voted.

Section 1. That upon a majority of the qualified voters residing in Special-tax District, Number One, white race, in Red Springs Township, Robeson County, voting in favor of the special tax and bonds hereinafter provided for, the name of said tax district shall be changed, and a taxing district to be known and designated as Red Springs Graded School District shall be and is hereby created, and the boundaries of said Red Springs Graded School District shall be as follows: Beginning at the intersection of the Hoke County line with the channel of Richland Swamp; running thence down the channel of said swamp as the various meanders thereof, in a southerly direction, to the intersection of the channel of said swamp with the line of Special-tax District, Number One, white race, Burnt Swamp Township; thence along the line of said Special-tax District, Number One, white race, Burnt Swamp Township, in an easterly direction to the line of Special-tax District, Number Four, white race, Burnt Swamp Township; thence along the line of Special-tax District, Number Four, white race, Burnt Swamp Township, in an easterly direction, until the line of said last mentioned special-tax district intersects the channel of Big Raft Swamp; thence up the channel of Big Raft Swamp, as the various meanders thereof, in a northerly direction to the Hoke County line; thence along the Hoke County line, in a westerly direction, to the beginning, the said boundaries being the same, and embracing all the territory, now included in the taxing district now known as Special-tax District, Number One, white race, Red Springs Township, Robeson County.

Red Springs Graded School District boundaries.

Red Springs Graded School District.

Sec. 2. That upon the ratification of this act by a majority of the qualified voters residing in the above described territory, the name of said taxing district shall be changed, and shall be "Red Springs Graded School District," and the board of trustees here-

inafter named, and their successors in office, shall be, and they are hereby constituted, a body corporate by the name and style of the "Board of Trustees of Red Springs Graded School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, devise, or otherwise, real estate and personal property, hold, exchange, mortgage, or sell the same, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal. And said board of trustees is hereby fully authorized and empowered to execute and deliver a mortgage or deed of trust, to be signed by its chairman, attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property, title to which is or may hereafter be vested in said Red Springs Graded School District or in said board of trustees, to secure the bonds herein provided for, and the interest on the same.

Incorporation.
Corporate name.
Corporate powers.
Power to execute mortgage.

Sec. 3. That the board of trustees of said Red Springs Graded School District, hereinafter provided for, or their successors in office, shall be and they are hereby authorized and empowered to issue bonds of said Red Springs Graded School District to an amount not exceeding fifteen thousand dollars ($15,000), in such denominations as said board of trustees may deem advisable, bearing interest from their date at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be in such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from date of issue, and at such place or places as said board of trustees may determine: *Provided*, that said board of trustees may issue bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditures hereinafter provided for.

Power to issue bonds.
Amount.
Denomination.
Interest.
Maturity.
Proviso: bonds issued as needed.

Sec. 4. That the proceeds arising from the sale of said bonds, or of such thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary, and furnishing the same with all necessary equipment.

Use of proceeds of bonds.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a price less than par; nor shall said bonds, or the proceeds thereof, be used or devoted to any other purpose than those declared in section four of this act.

Bonds not to be sold below par.
Specific appropriation.

Sec. 6. That, for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the graded schools provided for in this act, the Board of Commissioners of Robeson County shall annually and at the time of levying the county taxes, commencing with the fiscal year begin-

Additional special tax.

ning next after the ratification of this act by a majority of the qualified voters of the district as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory hereinbefore described under the provisions of Revisal, section four thousand one hundred and fifteen, and which special tax, upon the ratification hereof by a majority of the qualified voters residing in said territory, shall be levied upon all taxable property and polls in the above described territory, levy an additional particular and special tax on all persons and property subject to taxation within the above described territory, not to exceed ten cents on the one hundred dollars assessed valuation of property and not more than thirty cents on each taxable poll.

Limit of rate.

Collection of tax.

Sec. 7. That said taxes shall be collected by the Sheriff of Robeson County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of the board of trustees of said Red Springs Graded School District: *Provided*, the said treasurer of said board of trustees shall first enter into a good and sufficient bond, payable to the board of trustees, in such amount as the said board of trustees may direct, conditioned for the faithful safe keeping and disbursing of said taxes and all other public school funds which may come into his hands for the use and benefit of said graded school district.

Paid to school treasurer.

Proviso: treasurer to give bond.

Election on approval of act.

Sec. 8. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act, at an election to be held on the first Monday of May, one thousand nine hundred and thirteen. That thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in one or more newspapers published in said graded school district, or by printed circulars or notices posted at at least ten places in the above described territory. It shall be the duty of the Board of Commissioners of Robeson County to appoint a registrar and two judges of election to conduct said election, all of whom shall be qualified voters residing in said territory. It shall be the duty of said registrar to make a new registration of all persons entitled to vote for members of the General Assembly, residing in the territory hereinbefore described, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly, at some fixed place in the town of Red Springs, for four successive Saturdays, between the hours of eight A. M. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory; and only those persons who are duly registered, in accordance with the provisions hereof, shall be deemed qualified voters under the provisions of this act. All challenges of voters may be entered on any registration day and shall be passed on by the judges of election and registrar on the day of election. Said

Date of election.

Notice of election.

Election officers.

New registration.

Challenges.

registrar shall receive, as compensation for his services, the sum of three cents for each voter registered by him, and three dollars for his attendance upon the election, and the judges of election shall receive the sum of three dollars each for their services on election day, including making up the returns. Said registrar shall post in the town of Red Springs and at least five other public places in said territory, notice of the days, hours, and place of registration. For the purpose of this act the polls shall be opened at the regular voting place for the election of town officers in the town of Red Springs, at the hour of eight A. M., and shall close at sundown. All costs in connection with such election shall be paid from the funds of Robeson County, and it shall be the duty of the Board of Commissioners of Robeson County to pass upon and pay all bills for same.

Pay of registrar.

Pay of judges.

Notice of registration.

Polling place.

Hours of election.

Cost of election.

Sec. 9. At said election, those who are in favor of the creation of the said graded school district and the issuance of the bonds herein provided for, shall vote a written or printed ballot with the word "Approved" upon it, and those opposed to creating said graded school district and issuing said bonds shall vote a written or printed ballot with the word "Disapproved" upon it. The number of voters registered and the number of ballots cast for and against the creation and issuing of said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Robeson County, who shall furnish to the board of trustees a certified copy of said returns under his hand and seal, and also send a like copy of said returns to the Secretary of State, which said Secretary of State shall file in his office. If at the election a majority of the qualified voters of said district shall vote "Approved," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees, and take such steps as may be necessary for the issuance and sale of the bonds herein provided for, and shall enter upon the duties enjoined upon them by this act.

Ballots.

Count and return of votes.

Certified copy of returns.

Effect of election.

Sec. 10. That A. B. Pearsall, J. L. McMillan, W. N. Gibson, W. J. Johnson, W. M. Roberts, John McLean, and J. D. Gibson be and they are hereby constituted and appointed the board of trustees of said Red Springs Graded School District as herein provided; and W. M. Roberts and J. D. Gibson shall hold their office for two years; W. J. Johnson and W. N. Gibson shall hold their office for four years; and A. B. Pearsall, J. L. McMillan, and John McLean shall hold their office for six years; and each trustee shall hold until his successor shall be appointed and shall qualify in accordance with the provisions of this act; and the term of office of said trustees shall be considered as beginning on the first Monday in May, one thousand nine hundred and thirteen.

Trustees named.

Terms of office.

Trustees to qualify.

Beginning of term.

Election of successors.

Sec. 11. Whenever the term of office of any class of trustees shall expire, as above provided, their successors shall be appointed for a term of four years by the Board of Education of Robeson County, the persons to be appointed to be residents and qualified voters of the graded school district hereby created. All

Vacancies.

vacancies in said board of trustees, caused by death, resignation, removal from the district, or otherwise, shall be filled by the remaining members of the board, and the person so chosen shall fill and serve out the unexpired term, and at the end of such unexpired term his successor shall be appointed by the Board of Education of Robeson County as hereinbefore provided. The

Trustees not officers.

office of trustee shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina.

Organization of trustees.

Sec. 12. That after the ratification of this act by a majority vote of the qualified voters residing in said territory, said board of trustees, at their first regular meeting, and annually thereafter on the first Monday in June of each year, shall elect from their number a chairman and a secretary. The said board shall also elect a treasurer, who may or may not be a member of said

Treasurer to have charge of money.

board of trustees. The treasurer shall have charge of all the

Monthly reports.

moneys received and disbursed, and shall report monthly to said board his receipts and disbursements, with vouchers for the same.

Compensation of treasurer.

The said treasurer shall receive such compensation as may be fixed by said board and give such bond as may be required by said

Duties of secretary.

board. The secretary shall keep minutes of all meetings, and shall attest the signature of the chairman to all legal documents, and shall be the custodian of the corporate seal, and shall issue, by order of the board, all orders or warrants for the payment of money.

Trustees to make annual reports.

Sec. 13. That it shall be the duty of the said board of trustees to make annually to the Board of Education of Robeson County, after the close of each school year, a full and complete report of the operation of said graded schools, together with a financial report, which shall show all receipts and disbursements; and the said report shall contain such data and other information as may be required under the general school law or by order of said

Report to be posted.

board of education; and a copy of said report shall be posted in some public place in the town of Red Springs for the information of the taxpayers of the district.

Qualifications for teachers.

Sec. 14. Said board of trustees shall not employ as a teacher in said graded schools any person who shall not be entitled to teach in the public schools of Robeson County under the general

Nonresident pupils.

school law. The board of trustees shall have the right, in the exercise of their discretion, to admit to the said graded schools students or pupils residing out of the said graded school district,

Tuition fees.

and to charge, collect, and receive from such nonresident students or pupils such tuition or other charges as may be fixed by said board of trustees.

Sec. 15. That it shall be the duty of the said board of trustees of said Red Springs Graded School District, commencing with the fifth year after their first qualification under the provisions hereof, to provide a sinking fund for the payment of the principal of said bonds at maturity, and, for that purpose, to set apart each year, from the taxes collected, or moneys appropriated to said school district, a sum sufficient to fully pay off and discharge the principal of said bonds at their maturity, which sinking fund shall be kept securely invested or loaned out on first mortgage on real estate in Robeson County worth not less than double the amount of the loan. It shall also be the duty of said board of trustees to provide for the payment, semiannually, of the interest on said bonds, and, for that purpose, to set apart from the taxes collected, or moneys appropriated to said school district, a sum sufficient to pay the same.

Sinking fund for payment of bonds.

Investment of sinking fund.

Payment of interest.

Sec. 16. That all public school funds derived from the State and the county of Robeson, and which may from time to time be collected and apportioned under the general school law for school purposes for the children in said Red Springs Graded School District, and all moneys to which said district may be entitled by reason of any special tax, gift, apportionment, or otherwise, shall be paid to the treasurer of said board of trustees and shall be by him paid out by order of the said board of trustees for the proper maintenance of the schools located in said Red Springs Graded School District and under the provisions hereof: *Provided*, that all donations to said schools shall be applied as directed by the donors.

School funds paid to treasurer.

Proviso: donations to school.

Sec. 17. That in case a majority of the qualified voters of the above territory shall not vote "Approved," nothing herein contained shall interfere with the collection of the taxes for the special taxing district which now constitutes said territory, but in such case said special taxing district, and the trustees thereof, shall remain as at present constituted.

Present school tax continued.

Sec. 18. That in case a majority of the qualified voters shall not vote "Approved" at the election herein provided for, the Board of Commissioners of Robeson County, upon the petition of one-tenth of the qualified voters residing in the above territory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint the judges and registrar for said election, the time and place of election to be determined by said board of commissioners, and the machinery of said election, so far as applicable, to be as hereinbefore provided.

Further election.

Sec. 19. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be voted for the issue of bonds shall be over, above, and separate

Present tax not suspended.

Additional tax.

and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of Revisal, section four thousand one hundred and fifteen; and upon the ratification of this act by a majority of the qualified voters of said graded school district, the special or particular taxes herein provided for shall be levied and collected over, above, and in addition to the special school taxes now levied and collected under authority of law.

Sec. 20. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 21. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 8th day of February, A. D. 1913.

CHAPTER 35.

AN ACT TO CREATE A TRUSTEE FOR THE HEBREW BENEVOLENT SOCIETY.

Preamble: death of original trustees.

Whereas, on the fifth day of December, one thousand eight hundred and sixty-seven, A. H. Martin conveyed to H. M. Phelps, H. Buxbaum, and J. Buxbaum, trustees of the Hebrew Benevolent Society at Charlotte, North Carolina, a tract of land by deed recorded in the office of the Register of Deeds of Mecklenburg County, in book five, page four hundred and eighty-eight; and whereas a part of said land has been and is now used as a Hebrew cemetery; and whereas all the original trustees named in said deed are dead and all trustees of the Hebrew Benevolent Society are dead; and whereas H. Baumgarten is the only surviving charter member of the said Hebrew Benevolent Society, and D. Goldberg and J. Hershinger are the only members of said society in addition to the said charter member, and that there are now no trustees of said society:

The General Assembly of North Carolina do enact:

Appointment of trustee.

Title to land vested.

Power to sell and convey land.

Use of proceeds.

Proviso: cemetery not to be sold.

Section 1. That Will Weil of the city of Charlotte be and he is appointed trustee for said Hebrew Benevolent Society, and that as such trustee the title to the land described in the deed hereinbefore referred to be and the same is vested in said Will Weil, his heirs and assigns, in trust for said Hebrew Benevolent Society, and the said Will Weil, trustee, is authorized and empowered to sell said property or any part thereof, and convey the same by deed to the purchaser, and use the proceeds of such sale for the use and improvement of the Hebrew cemetery, situate on the land hereinbefore referred to: *Provided,* that said trustee shall not sell that part of said land now used as a Hebrew cemetery.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 36.

AN ACT TO INCORPORATE ROUND HILL ACADEMY.

The General Assembly of North Carolina do enact:

Section 1. That (Rev.) A. E. Brown, (Rev.) R. H. Herring, M. H. Justice, W. T. Morgan, B. B. Price, M. P. Flack, T. A. Bridges, W. A. Harrill, J. L. Taylor, and J. D. Morris, and their successors in office, be and they are hereby created a body politic and corporate for the purpose of maintaining a school, at Round Hill in the town of Union Mills in the county of Rutherford, for the intellectual, moral, and religious development and training of boys and girls and young men and young ladies, under the name and style of Round Hill Academy, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold, and convey, mortgage or otherwise encumber, in their corporate capacity, property, personal and real, to such an amount as may be deemed advisable, and exercise all acts in relation thereto incident to the ownership of personal property and real estate, and do all other acts pertaining to similar corporations, not inconsistent with the Constitution and laws of the State of North Carolina or of the United States. The persons hereinabove mentioned shall be and remain the trustees of said corporation until their successors are elected as hereinafter provided.

Corporators.

Purpose of corporation.

Corporate name.

Corporate powers.

Corporators trustees.

Sec. 2. That the persons mentioned in section one of this act shall constitute the board of trustees of said Round Hill Academy, which said board shall have the general supervision and control of said corporation. It shall have the power to make such rules, regulations, and by-laws, not inconsistent with the Constitution and laws of this State or the United States, as may be deemed necessary for the good government of said Round Hill school and the management of the property and the funds of the same; it may provide for and elect a chairman and such other officers of its own body as it may deem necessary, also a principal or president, professors, teachers, and such other officers as may be necessary for the management of the school and the education and training of its pupils, and prescribe the tenure, duties, and compensation of such officers and teachers. It may, after reasonable notice and for cause stated, remove any or all of such officers or teachers as it may deem proper. It may fix and change the time and place of its meetings, adjourn from day to day, or to a day certain, in its discretion. A majority of the board shall constitute a quorum.

Supervision and control of corporation.

Powers of trustees.

Chairman and other officers.

Principal, professors, teachers, and other officers.

Power of removal.

Meetings of trustees.

Quorum.

Sec. 3. That said board of trustees shall, for all legal purposes, be regarded as a board of directors.

Trustees directors.

Sec. 4. That the trustees constituting the board of trustees shall be elected by the Green River Association of Baptist churches, as

Election of trustees.

follows: the first two members at the next regular annual session of said association, the next two at the next session, and two at each succeeding session, and continuing in this order to elect two trustees at each session of said association.

Property exempt from taxation.

Sec. 5. That all lands, buildings, and property, including all personal property, now situated at or about Round Hill in the town of Union Mills, in said county and State, or wheresoever situated, belonging, or which may hereafter belong, to said Round Hill Academy, or the trustees thereof for the use and benefit of said school, shall, so long as the same is used exclusively for educational purposes, be exempted from all kinds of State, county, city, or town public taxation.

Power to contract debts.

Sec. 6. That the said Round Hill Academy, by resolution of its board of trustees, shall have the power to contract debts, in the name and in behalf of said corporation, for the purpose of meeting the expenses necessary for the maintenance and support of said schools, and of acquiring property, either real or personal, necessary for the purposes, when funds cannot otherwise be had.

Trustees not individually liable.

But said trustees shall not be individually or personally liable for the debts of said corporation.

Police powers.

Sec. 7. That the trustees and the principal or president of said school shall at all times have the right to exercise police powers

Special policemen.

on the grounds and property of the institution, and on occasions when large numbers of persons are assembled, or are expected to assemble upon the premises, they, or any one of them, may swear in special policemen, who shall serve as such, and shall have for the time being all such rights and powers as are conferred upon constables under the laws of this State.

Duration.

Sec. 8. That this corporation shall have duration for seventy-five years.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 37.

AN ACT TO ABOLISH THE BOARD OF PUBLIC WORKS OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Sections stricken from law.

Section 1. That sections sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, and seventy-one of chapter three hundred and ninety-seven, Private Laws of one thousand nine hundred and one, establishing a board of public works in the city of Goldsboro, be and

Proviso: question submitted to voters.

the same are hereby repealed and stricken out: *Provided, however*, that before the Board of Public Works of the City of Golds-

boro be abolished, that the question of the abolition of the same shall first be submitted to a vote of the qualified voters of the city of Goldsboro, at the next municipal election for mayor and aldermen in said city; and if a majority of the votes cast at said election shall be for the abolition of the said board of public works, then said board shall be abolished, and if not, then the same shall be and remain as it now is. Time of election.

Sec. 2. That there shall be a separate ballot box provided at each of the respective voting places, at said election, and the said voters who approve the abolition of the said board of public works shall vote a written or printed ballot with the words "For Abolition of Board of Public Works," and those voters disapproving the abolition of said board shall vote a like ballot with the words "Against Abolition of Board of Public Works." Ballot boxes. Ballots.

Sec. 3. That the said board of aldermen shall cause to be published in a newspaper published in the city of Goldsboro for a period of thirty days preceding the next municipal election for mayor and aldermen of said city, a notice that the question of the abolition of the said board of public works will be submitted to the said voters at said election. Notice of election.

Sec. 4. That if a majority of the votes cast at said election shall be for the abolition of said board of public works, then the board of aldermen of the city of Goldsboro shall have sole and entire control of the management and operation of the water-works plant and system owned by the city of Goldsboro. Aldermen to have control of water-works.

Sec. 5. That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 6. That this act shall take effect and be in force from and after its ratification.

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 38.

AN ACT TO AMEND CHAPTER 269 OF THE PRIVATE LAWS OF 1889 OF THE STATE OF NORTH CAROLINA, ENTITLED "AN ACT TO INCORPORATE THE FARMERS BANK OF GOLDSBORO, NORTH CAROLINA," AS AMENDED BY CHAPTER 323, PRIVATE LAWS OF 1891, ENTITLED "AN ACT TO AMEND CHAPTER 269 OF THE PRIVATE LAWS OF 1889."

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and sixty-nine (269) of the Private Laws of one thousand eight hundred and eighty-nine (1889), entitled "An act to incorporate the Farmers Bank of Goldsboro, North Carolina," and chapter three hundred and twenty- Laws amended.

three (323) of the Private Laws of one thousand eight hundred and ninety-one (1891), entitled "An act to amend chapter two hundred and sixty-nine (269) of the Private Laws of one thousand eight hundred and eighty-nine (1889)," be and the same are amended as follows:

Name changed.

Sec. 2. That section one (1) of chapter three hundred and twenty-three (323) of the Private Laws of one thousand eight hundred and ninety-one (1891) be amended by striking out the words, "the Bank of Wayne," and inserting in lieu thereof the words, "Wayne Bank and Trust Company."

Power to borrow money.

Sec. 3. That said corporation shall have power to borrow money in such amounts and at such rate of interest and payable at such times or places as the board of directors may determine, and issue its notes, certificates, or registered or coupon bonds under its corporate seal. It may receive money on deposit or open account or on certificate of deposit, and pay interest thereon or not. It may receive on deposit for safe keeping, gold, silver, paper money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor, and for such compensation as may be agreed upon may guarantee titles to real estate or other property. It may subscribe to the capital stock of other joint-stock companies and hold and vote the same.

Deposits for safe keeping.

Subscriptions to other companies.

Business authorized.

Sec. 4. That the said corporation may loan money on mortgages or deeds of trust conveying real or personal property, or on other securities; may buy and sell real estate, stocks, bonds, and other securities; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said corporation fails to meet his obligations, it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges, and expenses, and in case of sale of either real or personal security, make title to the purchaser.

Interest.

Sales of collaterals.

Deposits by fiduciaries.

Sec. 5. That any executor, administrator, guardian, receiver, or other trustee or public officer having the care, custody, or control of any bonds, stocks, securities, moneys, or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said corporation.

Power to act as fiscal and transfer agent.

Sec. 6. That the said corporation may act as the fiscal or transfer agent of or trustee for any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, and negotiate, sell, transfer, register, and countersign certificates of stock, bonds, or other evidence of indebtedness.

Power to act in fiduciary capacities.

Sec. 7. That the said corporation shall have power to act as executor, administrator, guardian, trustee, receiver, or depositary, and to take, accept, and execute any and all such trusts and

powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest, or otherwise, or by order of any court of record, and to receive, take, hold, manage, and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed upon. And in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee, receiver, or other fiduciary, it shall be lawful for said corporation to file in the office of the Clerk of the Superior Court of Wayne County an undertaking in the sum of ten thousand dollars ($10,000), with sufficient security, either personal sureties or bonds of the State of North Carolina or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to said clerk, and to be approved by him, and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to said corporation by order of any court of said State: *Provided*, that the bond of any surety company authorized by law to transact business in the State of North Carolina shall be accepted by the said Clerk of the Superior Court of Wayne County, North Carolina. In case of default in the performance of any trust so committed to said corporation, the said undertaking may be sued upon by or for the party injured, or his personal representative, in the Superior Court of any county in said State where such default shall have been made. A copy of such undertaking duly certified by the Clerk of the Superior Court of Wayne County, under his official seal, shall be evidence in the courts of said State. Whenever it shall be made to appear to the satisfaction of the clerk of said Superior Court of Wayne County that it is necessary in order to secure the faithful performance of all of said trusts, he may require that said undertaking be increased to such amount as he may deem sufficient, not exceeding fifty thousand dollars ($50,000). And the Superior Court of any county wherein any such trusts shall have been committed to said corporation shall have the power to make orders respecting such trusts, and to require it to render all accounts which said court might lawfully make or require if such corporation were a natural person. And in accepting any trusts or powers hereunder, said corporation may qualify by one of its executive officers. That in all applications for the appointment of the said corporation as executor, administrator, guardian, trustee, receiver, or depositary, or any other fiduciary relation, and in making any and all returns, reports, and settlements, the said corporation may act through and by its president, its vice president, its cashier, its secretary, or treasurer; and any of such officers are authorized in all such cases to make oath to any and all papers necessary, before any and all

Bonds as fiduciary.

Proviso: bond in surety company.

Copy of undertaking evidence.

Increase of bond.

Powers of superior courts.

Qualification.

Applications for appointments.

Returns and reports.

courts and before any and all persons authorized to administer oaths. That in all cases of letters testamentary, or of administration, guardianship, and in all cases where said corporation shall be appointed trustee, or to any other fiduciary relation, the court having jurisdiction over such estates is authorized to allow the said corporation, as such executor, administrator, guardian, trustee, or receiver, to take and receive such fees and commissions from time to time as are allowed by law, without waiting for the filing of the final settlement by said corporation or the final closing up of the estate committed to its care.

Fees and commissions.

Investments of trust funds.

Sec. 8. That the said corporation shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities; but all such investments shall be at the sole risk of the corporation, and for any losses by reason of such investments the capital stock, property, and effects of said corporation shall be absolutely liable. The corporation shall use due diligence to enhance the income, rents, and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents, and profits than can be reasonably earned by safe and prudent investments.

Investments at risk of corporation.

Income of trust funds.

Warehouse.

Sec. 9. That said corporation may conduct warehouses and depots for the storage of personal property, and the certificates or receipts issued therefor shall be negotiable by delivery, entitling the holder to the property mentioned in said certificates or receipts without regard to the depositor of the property, and the said corporation shall exercise ordinary care in the custody and protection of property stored with it.

Insurance agents.

Sec. 10. That by acting as agent for companies authorized by law to transact business in North Carolina, the said corporation may conduct the business of insurance in all of its branches, including fire insurance, life insurance, burglary insurance, plate-glass insurance, surety, live-stock, and any other forms of insurance which are authorized by the laws of the State of North Carolina.

Liability of stockholders.

Sec. 11. That no stockholder in the corporation shall be liable for any debt or default of the corporation for a greater amount than the par value of the stock held by him in the corporation.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 39.

AN ACT TO AUTHORIZE THE TOWN OF SHELBY TO ISSUE BONDS TO THE AMOUNT OF $10,000 FOR THE PURPOSE OF COMPLETING THE ELECTRIC LIGHT PLANT AND MAKING ADDITIONS TO THE WATERWORKS PLANT.

The General Assembly of North Carolina do enact:

Section 1. That the mayor and board of aldermen of the town of Shelby are hereby authorized and empowered to issue negotiable coupon bonds to an amount not exceeding ten thousand dollars, for the purpose of completing the electric light plant of said town and making additions to the waterworks plant of said town; said bonds to be issued in denominations of one thousand dollars each, to bear interest at the rate of not exceeding six per cent per annum from date of their issuance; said interest payable semi-annually, and the principal of said bonds to be payable not longer than fifteen years from their date. Bond issue authorized. Amount. Purpose. Denominations. Interest. Maturity.

Sec. 2. That said bonds shall be signed by the mayor and treasurer of said town, and shall bear the common seal of said town, and the interest coupons may be signed with either the original or the lithographed facsimile signatures of said mayor and treasurer. Authentication.

Sec. 3. That said bonds shall be exempt from city taxes before maturity, and the coupons thereof shall, when offered, be received in payment of city taxes. Bonds exempt from city tax. Coupons receivable for taxes.

Sec. 4. That the mayor and board of aldermen of said town are hereby authorized and empowered to levy a special direct annual tax upon all of the taxable property of said town of sufficient rate and amount with which to pay the interest on said bonds as it becomes due and provide a sinking fund for the payment of the principal thereof at maturity. Special tax.

Sec. 5. That the mayor and board of aldermen of said town be authorized and empowered to make sale of the bonds so authorized in such manner and for such price, not less than the par value thereof, as they may deem most advantageous for said town. Sale of bonds. Not less than par.

Sec. 6. That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 40.

AN ACT TO FURTHER AMEND CHAPTER 91, PRIVATE LAWS OF 1901, SO AS TO AUTHORIZE THE TRUSTEES OF HENDERSON GRADED SCHOOLS TO ISSUE BONDS FOR THE ERECTION, FURNISHING, AND EQUIPPING ADDITIONAL GRADED SCHOOL BUILDINGS IN THE TOWN OF HENDERSON AND HENDERSON TOWNSHIP, VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety-one, Private Laws one thousand nine hundred and one, relative to graded schools in Henderson Township, Vance County, be and the same is hereby further amended as follows: That the Board of Trustees of Henderson Graded Schools is hereby authorized and empowered to issue, in addition to the bonds provided for by chapter fifty-six, Private Laws one thousand nine hundred and five, coupon bonds to an amount not to exceed thirty thousand dollars ($30,000), in denominations of not to exceed one thousand dollars ($1,000) each, in such form as said trustees may determine, numbered consecutively, and bearing interest from date of issue at a rate not exceeding five per centum per annum, payable semiannually, at such time and place as said trustees may designate.

Bond issue authorized.

Amount.

Denominations.

Interest.

Sec. 2. The said bonds shall be made payable, or redeemable, at such time and place as may be fixed by said trustees, and named therein, not exceeding thirty years, and as hereinafter provided. The bonds shall be signed by the chairman of the said board of trustees and attested by the secretary, and have the corporate seal of said board affixed thereto, and the coupons attached shall bear the printed or lithographed signature of the chairman and secretary of said board.

Maturity.

Authentication.

Sec. 3. That the additional bonds hereby authorized to be issued shall not be disposed of, exchanged, or hypothecated for less than their face value. The board of trustees shall keep separate the money arising from the sale of said additional bonds, and the same shall be expended and disbursed by said board in the purchase of lands for necessary school site or sites; in the erection of additional and suitable new buildings; to furnish same with necessary furniture and equipments; and in repairing, furnishing, equipping, and maintaining buildings for the accommodation of the public schools of Henderson Township in Vance County, North Carolina, and for no other purpose.

Not to be sold below par.

Money kept separate.

Specific appropriation of proceeds.

Sec. 4. That it shall be the duty of said board of trustees, in order to provide for the payment of the interest and principal of said additional coupon bonds at maturity, as herein provided, to certify annually to the Board of Commissioners of Vance County the rate of taxation necessary to be levied for the payment of

Trustees to certify tax rate.

said additional bonds and the interest thereon, which at no time shall exceed, in addition to the amount which shall be levied for the maintenance of said schools and the payment of interest and principal of the bonds heretofore issued, and now outstanding, and as provided therein, six cents on the hundred dollars worth of real and personal property and not exceeding eighteen cents on each taxable poll in Henderson Township: *Provided, however*, that in lieu of a sinking fund the trustees shall have the right, in their discretion, to pay or redeem one thousand dollars of the amount of the said additional coupon bonds herein provided for, five years after the date of the issue thereof, and one thousand dollars of said bonds annually thereafter, until the whole amount thereof shall have been paid or redeemed: *Provided further*, the said additional bonds shall be paid or redeemed according to their numbers, beginning with number one A and following the numbers consecutively. It shall be the duty of the Board of Commissioners of Vance County to levy and compute, in addition to other taxes laid upon said school district, the amount requested by the said board of trustees for the payment of the interest and the principal of said additional bonds as hereinabove provided; and it shall be the duty of the Sheriff of Vance County to collect the same as other taxes are collected, and pay the same over to the Treasurer of Vance County, who shall keep the same separate from all other money, and disburse the same as directed by the board of trustees.

Limit of tax rate.

Proviso: power to call bonds.

Proviso: order of call.

County commissioners to levy tax.

Sheriff to collect and pay over.

Fund kept separate.

Sec. 5. That before said additional bonds shall be issued, this act shall be submitted to the qualified voters of Henderson Township, for their approval or rejection, at an election to be held in said township, to be called by the Board of Commissioners of Vance County at such time as said board may appoint within three months after the ratification hereof. The said Board of Commissioners of Vance County shall order a new registration, and the said election shall be advertised by said board of commissioners for thirty days prior to the day of election, in some newspaper published in Henderson Township, and said election shall be held under the rules and regulations, so far as same may be pertinent and applicable, governing the elections of members of the General Assembly. At the election, those who are in favor of issuing said additional bonds shall cast a written or printed ballot containing the words, "For Additional School Bonds," and those who are opposed shall cast a written or printed ballot containing the words, "Against Additional School Bonds." The number of ballots cast for additional bonds and against additional bonds shall be counted and the result shall be certified to the Register of Deeds of Vance County, who shall furnish to the chairman of the board of trustees a certified copy of the said returns, and send a like copy to the Secretary of State, who shall file the same in his office, and a copy shall also be filed with the Board of Commissioners of Vance County, and the same be re-

Act to be submitted to voters.

Time of election.

New registration.

Advertisement of election.

Law governing election.

Ballots.

Count and return of election.

Record of result.

corded in the minutes of said Board of Commissioners of Vance County, and no other recording and declaring of the result of the election shall be necessary.

Majority of qualified voters to issue bonds.

Sec. 6. If at the election a majority of the qualified voters shall vote for additional bonds, then the board of trustees shall proceed to issue and sell the said additional bonds, or so many thereof as may be necessary, in the judgment and discretion of said board of trustees, for the purposes aforesaid.

Effect on existing laws.

Sec. 7. That nothing herein shall be in any way construed to otherwise alter, amend, repeal, modify, or change any of the sections, clauses, or provisions of chapter ninety-one (91) of the Private Laws one thousand nine hundred and one, or of chapter fifty-six (56) of Private Laws one thousand nine hundred and five (1905), except as herein contained, but all the provisions of said chapters shall still be and remain in force.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 41.

AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE WILSON GRADED SCHOOL DISTRICT OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Territory.

Boundary.

Section 1. That the territory within the following limits shall be and constitute the Wilson Graded School District: Beginning at the bridge across Hominy Swamp on the road leading from the town of Wilson to Rountree's Bridge; thence north fifty-eight degrees west to a point on the Barefoot Mill Road, between the lands of the late L. D. Killette and the heirs of the late W. W. Winstead; thence north twenty degrees west to the lane on the lands of the late Mrs. Martha Winstead on the Raleigh Road; thence north eighteen degrees east to the line between the late Col. John W. Farmer's and the late J. J. Smith's lands; thence down the said swamp (Toisnot) to a point dividing the lands of the late Thomas J. Gardner and the late Mrs. Fannie Hines; thence south forty-five degrees west to the beginning.

Trustees named.

Sec. 2. The following persons shall constitute the board of trustees of the Wilson Graded School District established by section one of this act: George Hackney, F. A. Woodard, C. E. Moore, W. P. Wootten, U. H. Cozart, John F. Bruton, and Jonas Oettinger.

Terms of office.

Successors.

These persons shall serve for one, two, three, four, five, six, and seven years, in the order named, from the first day of July, one thousand nine hundred and thirteen. Their successors shall be elected for a term of seven years by the board

of town commissioners of the town of Wilson at their regular meeting in the mouth of May. And if the board of commissioners of the towu of Wilson shall fail at their regular meeting iu May of any year to fill auy vacancy occurring in the board of trustees, then the remaining members of said board of trustees shall fill such vacancy at their next regular meeting. It shall be the duty of the secretary of the board of trustees to notify in writing the board of commissioners of any vacancy occurring in the said board of trustees at least ten days prior to their regular meeting in the month of May.

Trustees to elect on failure of town commissioners.

Town commissioners to be notified of vacancy.

Sec. 3. The board of trustees named in section two of this act and their successors in office are hereby created a body corporate and politic, and the usual powers exercised by such corporate bodies are hereby conferred on the said board; and the trustees above named and their successors are required and empowered to conduct one or more public schools in said district for the children of each race who are entitled to public school privileges; and they shall have the further power to employ the necessary teachers; to select the text-books to be used in the schools of the district; to adopt the courses of study to be pursued iu the schools; to control all the public school funds of the district, local, county, and State, and to exercise such other powers as may be necessary for the proper couduct of the schools.

Trustees incorporated.

Corporate powers.

Trustees to conduct schools.

Teachers, text-books and courses of study.

School funds.

Sec. 4. The board of trustees of the Wilson Graded School District and their successors in office may make from time to time necessary rules and regulations for the government and conduct of the schools. They shall elect one of their number chairman, and they shall elect a secretary and a treasurer, neither of whom need be members of the board of trustees; and they may elect such other officers as may be necessary to conduct the schools of the district in the most efficient manner possible, and impose upon their officers such duties and restrictions as will best carry out the purpose and inteut of this act.

Rules and regulations.

Organization.

Sec. 5. The board of trustees of the Wilsou Graded School District and their successors in office shall have the power to erect schoolhouses, the power to acquire and hold in trust school property and school equipment, as well as power to acquire and hold school sites aud other land for school purposes; and whenever said board of trustees or their successors may be unable to purchase a suitable site or to acquire suitable land for school purposes at what they consider a fair valuation, they may, upon five days written notice to the owuer of such land or site which they may desire for school purposes, apply to the Clerk of the Superior Court of Wilsou County for the appointment of three appraisers, who shall proceed to lay off by metes and bounds so much land as in the judgment of the board may be necessary, and assess the value thereof. The appraisers shall make a written report of their proceedings in coudemnation to the clerk of

Power to erect schoolhouses and hold property.

Power to condemn land.

Procedure for condemnation.

the Superior Court within ten days after their appointment, who shall enter the same upon the records of the court. If the report of the appraisers is confirmed by the clerk, and the board of trustees shall accept the price named in the report, as reasonable, they shall cause their treasurer to pay the owner or owners of such condemned land the price fixed by the appraisers, and upon such payment or offer of payment the title to such land shall vest in fee simple in the board of trustees of the Wilson Graded School District and their successors in office. If the owner or owners of land condemned under this section shall appeal to the Superior Court, they shall do so within thirty days from the date of confirmation by the clerk, upon giving bond to secure the board against such costs as may be incurred on account of the appeal from the decision of the appraisers not being prosecuted with success.

Title to vest on payment or tender.

Appeal.

Bond on appeal.

County commissioners to order election.

Notice of election.

Special tax to be voted on.

Polling place.

Election officers.

New registration.

Canvass of returns.

Declaration and record of result.

Ballots.

Sec. 6. That the board of county commissioners of the county of Wilson shall, upon the petition of a majority of the trustees of the Wilson Graded School District, submit to the qualified voters of said district, after thirty days notice, the question whether an annual special tax of not more than one-third of one per centum on each one hundred dollars valuation of property and one dollar on each taxable poll shall be levied and collected on the property and polls of said district for the support of its public schools. And for said election the county commissioners shall determine the place of holding it; they shall appoint a registrar and two poll-holders; they shall provide for a new registration of voters under the same registration rules as are prescribed for general elections; they shall canvass the returns of said election; they shall declare the result and enter the same on their minutes. At such special election those who favor the levy and collection of the special annual school tax herein provided for shall vote a written or printed ballot containing the words, "For School Tax," and those who are opposed, a written or printed ballot containing the words, "Against School Tax."

Tax to be levied.

Collection and settlement of tax.

Proviso: county commissioners to levy tax.

Sec. 7. That in the event a majority of the qualified voters of said district shall favor the levy and collection of the special tax, the same shall hereafter be levied and collected in the same manner as is now provided by law for the levy and collection of State and county taxes. The Sheriff of Wilson County shall collect and pay over the same to the treasurer of the Wilson Graded School District under the same liabilities as are now provided by law for the collection and accounting for of the county school taxes: *Provided*, that the county commissioners of Wilson County shall levy each year such annual tax on the property and polls of the school district as the trustees may direct, subject to the limitations of section six of this act.

Election on bond issue.

Sec. 8. That the county commissioners of Wilson County are hereby required, upon the petition of a majority of the members of the board of trustees of the Wilson Graded School District, to

submit to the qualified voters of the district, under the same regulations as are prescribed in section six of this act, the question of issuing the bonds of said district, not exceeding in amount the sum of thirty thousand dollars ($30,000), for the purpose of erecting and equipping additional public school buildings, for the purpose of paying the present indebtedness of the Wilson Graded School District, and for repairing and enlarging the buildings thereof; for acquiring grounds and sites for new school buildings, and for such other purposes as the board may determine. At said election those qualified voters who are in favor of the bond issue herein provided for shall vote a written or printed ballot containing the words, "For School Bonds"; those opposed shall vote a written or printed ballot containing the words, "Against School Bonds"; and in the event a majority of the qualified voters at said election shall favor the issue of bonds, the board of trustees of the Wilson Graded School District are hereby authorized to issue the same not to exceed in amount thirty thousand dollars ($30,000), payable not more than thirty years after date of issue and bearing interest not exceeding five per cent per annum, interest being due and payable semiannually. And the said trustees are hereby empowered to issue said bonds in such denominations and payable at such time and place as shall be most advantageous to their sale. The proceeds arising from said issue and sale of bonds shall belong to and be a part of the public school funds of the said school district, to be kept and accounted for by the board of trustees and its officers as other public school funds. And for the purpose of paying the interest on the bonds herein authorized, and for the purpose of establishing a sinking fund for their payment at maturity, the trustees of the Wilson Graded School District shall devote such part as may be necessary of the annual special tax authorized in sections six and seven of this act.

Amount.
Purpose.
Ballots.
Majority of qualified voters to authorize bond issue.
Amount of issue.
Maturity.
Interest.
Denominations.
Proceeds.
Interest and sinking fund.

Sec. 9. That chapter one hundred and ninety-two, Public Laws of one thousand eight hundred and eighty-three, as amended by chapter five hundred and nine of the Public Laws of one thousand eight hundred and ninety-one, and by chapter two hundred and fifty-nine of the Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby repealed upon the adoption by the qualified voters of the Wilson Graded School District of section six of this act.

Laws repealed.

Sec. 10. The Wilson Graded School District created by this act shall be one of the school districts of Wilson County and the county board of education shall from time to time pay over to the treasurer of the district such moneys as may be due said district from the general county and State school fund.

Part of county school system.
Apportionment from general fund.

Sec. 11. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 42.

AN ACT TO AMEND CHAPTER 441 OF THE PUBLIC LAWS OF 1903, RELATIVE TO GRADED SCHOOLS IN THE TOWN OF TROY.

The General Assembly of North Carolina do enact:

Section 1. That there shall be added to section two, chapter four hundred and forty-one of Public Laws of one thousand nine hundred and three, the following proviso: "*Provided*, that in holding elections under this act it will be necessary to have only one polling place for the entire district, this place being designated by board of graded school trustees."

Proviso: polling place.

Sec. 2. That chapter four hundred and forty-one of the Public Laws of one thousand nine hundred and three be and is hereby amended by striking out the word "five," in line four, section three of said chapter, and inserting in lieu thereof the word "twenty-five"; and in line eleven by striking out the word "twenty" and inserting in lieu thereof the word "thirty."

Amount of bond issue.

Maturity of bonds.

Sec. 3. That section four of said chapter four hundred and forty-one of the Public Laws of one thousand nine hundred and three be amended so as to make this section read as follows, to wit: "That the proceeds arising from the sale of such bonds or such part thereof as shall be necessary, shall be expended by said board of graded school trustees in purchasing a site or sites and in building and equipping such buildings as may be required, or within their discretion they may elect to build: *Provided*, that said board of graded school trustees may sell the old lot and building and are empowered to purchase, acquire, by donation or otherwise, a new location or locations for said school or schools within said school district."

Specific appropriation of proceeds of bonds.

Proviso: change of location.

Sec. 4. That section seven of said chapter four hundred and forty-one of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by striking out the word "thirty," in line eleven, and inserting in lieu thereof the word "sixty"; and in line twelve by striking out the words "ninety cents" and inserting in lieu thereof the words "one dollar and eighty cents." That the following be added to the above section seven: "That it shall be the duty of the said list taker or tax assessor of Troy Township to make a separate list of the taxable polls and property subject to tax in said district and furnish transcript of same to register of deeds, who shall make out the tax list for said district as he now does for the Biscoe and other special school tax districts in Montgomery County. That the register of deeds shall furnish the said tax list to the said board of graded school trustees at the same time he delivers the tax books to the Sheriff of Montgomery County."

Tax rate.

Separate tax lists.

Tax list to trustees.

Sec. 5. That section eight of said chapter four hundred and forty-one of the Public Laws of one thousand nine hundred and three have the following proviso: "*Provided*, that the said board of graded school trustees may arrange to have the Bank of Montgomery act as treasurer of the Troy School District. That the tax collected by tax collector shall be deposited in said bank by the tax collector to the credit of the board of graded school trustees of Troy, the tax collector taking the bank's receipt for same. That the money shall be paid out only by vouchers signed by the chairman and the secretary of said board of graded school trustees: *Provided*, the said bank shall render such statements and accounts to said trustees as are rendered other depositors in said bank: *Provided further*, bank shall not be paid any commission for paying out said tax money." Section eight is further amended by adding the following: "That it shall be the duty of the tax collector to meet with the said board of graded school trustees on or before June thirtieth of each year and make a complete settlement of the school tax for the school year ending June thirtieth."

Proviso: bank to act as treasurer.

Vouchers.

Proviso: statements and accounts.

Proviso: no commission allowed bank.

Settlement of taxes.

Sec. 6. That an election in a manner provided for in section nine of said chapter four hundred and forty-one of Public Laws of one thousand nine hundred and three shall be held on a day designated by the said board of graded school trustees, within six months after the ratification of this act: *Provided*, there shall be a new registration, and that only those voters who register shall be regarded as qualified voters: *Provided*, that notice of said new registration and election shall be advertised in the "Montgomerian," a weekly paper published at Troy.

Election to be ordered.

Time for election.

Proviso: new registration.

Proviso: notice of registration and election.

Sec. 7. That section fourteen of said chapter be and the same is hereby repealed, and the following is inserted in lieu thereof: "That all public school funds apportioned to said district by the county board of education shall be placed to the credit of the Troy Graded School District and paid out by the treasurer of said county on warrants signed by the chairman and secretary of the board of graded school trustees of the town of Troy: *Provided*, that the title to the real estate within said district formerly vested in the county board of education of Montgomery County or public school committeemen is hereby vested in the Board of Education of Montgomery County: *Provided further*, that any title held in trust by C. C. Wade, S. J. Smitherman, J. R. Blair, W. R. Harris, W. B. Beaman, and other trustees of Troy Academy, is hereby vested in the board of graded school trustees: *Provided further*, that this act shall not affect individual interests not held in trust.

Apportionment from general fund.

Proviso: title to real estate.

Proviso: titles now in trustees.

Proviso: individual interests.

Sec. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 43.

AN ACT TO ALLOW THE TOWN OF HAMLET TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A SEWERAGE SYSTEM IN SAID TOWN.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Bond issue authorized.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

Sale of bonds at not less than par.

Special taxes.

Constitutional equation.

Proviso: act submitted to voters.

Time of election.

Advertisement of election.

Section 1. That for the purpose of raising money to build a sewerage system for said town the board of commissioners of the town of Hamlet are hereby authorized to issue coupon bonds not to exceed in amount the sum of fifteen thousand dollars ($15,000), in denominations of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), bearing interest from the date of the bonds at a rate of not more than six per cent, and payable semiannually on the first day of January and July in each year, until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the commissioners, to be named therein, not less than ten or more than thirty years from date thereof. The said bonds shall be signed by the mayor and countersigned by the treasurer and sealed with the corporate seal of the said town, and the coupons on the bonds shall bear the engraved or lithographed signature of the treasurer, and shall be made payable, both principal and interest, at such a place or places as the board may determine. That said bonds shall not be sold for less than their face value. Said bonds shall be sold either at public or private sale, with or without notice, and the proceeds of said bonds shall be applied for the purposes herein set out, and no other. The purchasers of said bonds shall not be bound to see to the application of the purchase money.

Sec. 2. When the said bonds are issued as provided herein, the board of commissioners of the town of Hamlet are hereby authorized and directed to collect a tax on all taxable property and polls in said town sufficient to pay interest on said bonds as same may become due, and, also before the principal of said bonds shall become due, to levy and collect a further tax to pay the same, or to provide a sinking fund for the payment thereof. The tax so levied shall be an *ad valorem* tax, in the proportion required by the Constitution of the State of North Carolina, and shall be levied and collected in the same manner and at the same time and place as other taxes upon the polls and property of the said town: *Provided, however*, that this act shall be submitted to the qualified voters of the town of Hamlet for ratification or rejection, at an election to be held in said town at such a time as the board of commissioners may appoint, within two years from the ratification of this act. That said election shall be advertised by the commissioners of the town of Hamlet for thirty days in some newspaper published in Richmond County, prior to said election,

and shall be held under the supervision of inspectors and poll-holders or judges of election appointed by the commissioners, and the said election shall be held in the same manner as in other municipal elections. In like manner as the other elections in said town of Hamlet, the commissioners shall canvass and declare the result of said election. At the said election those in favor of issuing said bonds shall vote "For Sewerage Bonds," and those opposed shall vote "Against Sewerage Bonds," on written or printed ballots; that the number of ballots cast for and against said bonds shall be deposited in the ballot boxes provided for that purpose, shall be counted and the result of said election certified and returned to the said board of commissioners of the town of Hamlet; and the same, when canvassed as aforesaid, shall be certified, under the hand of the mayor and the clerk and treasurer of said town and corporate seal of said town, to the Secretary of State, with said certificate of result. If at said election a majority of the qualified voters in said election in the town of Hamlet shall vote "For Sewerage Bonds," then this act shall be in full force and effect, and the board of commissioners shall issue said bonds as provided herein. If there is not a majority of the qualified voters in favor of said bonds, then this act shall thereafter be of no force or effect.

Law governing election.

Canvass and declaration of result.

Ballots.

Count and return of votes.

Certificate of result.

Result of election.

Sec. 3. That before the calling of said election for said bonds, or at the time thereof, the commissioners of the town of Hamlet may order a new registration of the voters of said town, and the commissioners shall appoint some suitable person as registrar, who shall act in the same manner and under the same rules and regulations as for the regular municipal elections of said town. All residents of the town of Hamlet who shall be registered as provided herein shall be deemed the qualified voters of the said town, and no other.

New registration authorized.

Registrar.

Law governing election.

Qualified voters.

Sec. 4. This act shall be in force from and after its ratification; and all the laws or parts of laws inconsistent with the same are hereby repealed so far as the same is inconsistent therewith.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 44.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON BY TAKING IN MORE TERRITORY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the city of Winston be amended as follows: That the present corporate limits on the west side of the city of Winston, Forsyth County, North Carolina, be enlarged and extended so as to include within said corporate lines of said city the following territory, to wit:

Corporate limits extended.

Boundary of new territory.

Beginning at the intersection of Peters Creek with the old Brookstown Road at the present corporation line at the concrete bridge over said creek, running thence with the northeast side of the Brookstown Road in a northerly direction to the right of way of the North Carolina Midland Railroad Company; thence in a southwesterly direction with the right of way of said railroad company to a point where said right of way intersects with the old Shallowford Road at the overhead bridge on said road, the said place being known as the Atwood Hill; thence with the north side of the old Shallowford Road in a southeasterly direction to the east side of Peters Creek at the present corporation line of the city of Winston; thence northwardly with the present corporation line of the city of Winston to the point of beginning.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 45.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WALSTONBURG AND TO REVISE AND CONSOLIDATE ALL LAWS IN RELATION TO SAID TOWN.

The General Assembly of North Carolina do enact:

Incorporation continued.

Section 1. That the inhabitants of the town of Walstonburg shall be and continue, as they have heretofore been, a body politic

Corporate name.

and corporate, and shall have the name and style of the Town of Walstonburg, and under such name and style the said town is

Corporate powers.

hereby invested with all the corporate and property rights which now belong to municipal corporations in this State; and in and by this name may sue and be sued and may plead and be impleaded, acquire and hold property, real and personal, for the use of said town, as its governing board may deem expedient and necessary; and shall have all the powers, rights, and privileges necessary or belonging to or usually appertaining to municipal corporations.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be and remain and the same are hereby established as follows, to wit: Beginning at a stake and pointers, J. T. Corbett's and B. S. McKeel's corner, runs south 89½ east 290⅖ feet to a stake on the west side of the path or road leading to Walstonburg depot, another corner of J. T. Corbett and B. S. McKeel; thence north 48½ east 2,360 feet to a persimmon tree (dead); thence north 30¼ east 580 feet to a telephone pole on the north side of the Norfolk Southern Railroad; thence north 29¼ west 1,045 feet to a sweetgum (marked); thence north 60¼ west 264 feet; thence north 68⅝ west 1,012 feet to a ditch across the road leading from the

depot to the old plank road; thence south 77¾ west 1,818 feet to a marked pine; thence south 18½ west 825 feet to the center of Norfolk Southern Railroad right of way; thence south 31 east 2,700 feet to the beginning.

Mayor and commissioners.

Sec. 3. That the officers of the said town of Walstonburg shall be a mayor and five commissioners, who at the time of their organization, or as soon thereafter as may be, shall elect a town constable and a clerk and treasurer, and whenever they may deem it necessary they may appoint such police officers as in their judgment may be required for the due preservation of the peace and good order of the town.

Constable, clerk, and treasurer.

Police officers.

Clerk and treasurer to give bond.

Sec. 4. That the persons so elected as clerk and treasurer shall be required to enter into a bond in such amount as the said board of commissioners may deem sufficient, not exceeding the sum of three hundred dollars, payable to the said town for the faithful discharge of the duties of his office, which bond shall be duly justified before the mayor of said town and approved by him, if accepted.

Town elections.

Sec. 5. That an election shall be held in said town on Tuesday next after the first Monday of May, in the year of our Lord one thousand nine hundred and thirteen, and biennially thereafter, for the election of a mayor and commissioners of said town, under the rules and regulations prescribed for said town elections in chapter seventy-three of the Revisal of one thousand nine hundred and five.

Officers-elect to meet and qualify.

Sec. 6. That within three days after the said election the persons elected as officers of said town shall meet and be inducted into office, after being duly sworn in as required by law.

Commissioners to elect governing officers.

Sec. 7. That after the first election so held for said town the said mayor and commissioners shall have power, if they so choose, to elect all the governing officers of the said town as commissioners for same, and in that case the commissioners so elected shall elect the mayor out of their own number.

Election of mayor.

Power to lay out, open, and improve streets.

Sec. 8. That the board of commissioners of said town of Walstonburg are hereby fully authorized and empowered to lay out and open new streets and sidewalks in any part of said town; to extend, widen, straighten, grade, or otherwise improve any street or sidewalk now existing or that may hereafter be established in said town; and to this end the board of commissioners shall have full power and authority to remove or cause to be removed any and all obstructions to any of the said streets or sidewalks, no matter whether such obstructions be of a temporary or permanent character. Whenever any land or right of way shall be required for the purpose of opening new streets or widening those already opened, or for other objects allowed by this charter, and for want of agreement as to the value thereof or for other reasons the same cannot be purchased from the owner or owners, the said

Obstructions.

Procedure for condemnation of land.

land may be taken at a valuation to be made by three freeholders of the town, said freeholders to be chosen by the mayor or the commissioners, said freeholders to receive a per diem of two dollars per day, and who may be required by the board to serve under a penalty of fifty dollars each; and in making said valuation said freeholders (after being duly sworn by the mayor or some justice of the peace of the county) shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land taken or right of way surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state in their said report the value and amount of each, and the excess of loss or damage over and above the advantages shall be the measure of the valuation of said land or right of way. That the owner of said land shall be notified three days before said freeholders shall assess the damages and benefits as aforesaid, and a notice of the time and place of the meeting of said freeholders, served by the police officer of said town on said owner or owners, or a notice thereof posted on the land over which the right of way is to run, shall be sufficient notice thereof: *Provided, nevertheless*, that if any person over whose land the said street may pass or improvement be erected, or the commissioners of said town, shall be dissatisfied with the valuation then made or the damages assessed, then in that case either the owner or owners or the said board of commissioners may appeal to the next term of the Superior Court of Greene County by filing with the mayor, within ten days from the filing of the report by said freeholders, written exceptions and objections to the written report of said freeholders; and the said mayor shall return to the court to which appeal is taken the report of said freeholders, with the proceedings thereon, together with the notice of appeal of the owner or owners of said land or of the said commissioners; and the land so valued by said freeholders shall vest in the town so long as it may be used for the purposes of the same, as soon as the valuation by said freeholders is paid to the owner or owners, or deposited in the hands of the Clerk of the Superior Court of Greene County (in case of its refusal by the owner or owners of the land, or if the town is dissatisfied with the amount of damages assessed): *Provided, however*, that such appeal shall not hinder or delay the commissioners opening, widening, or altering such street or streets or erecting or making such improvements: and *Provided further*, that in case of the discontinuance of the use of said land and its reversion to the owner, the town shall have the right to remove any improvement erected thereon under its authority.

Per diem of appraisers. Penalty for failure to serve.

Landowner to be notified.

Proviso: right of appeal.

Return on appeal.

Land to vest in town.

Proviso: appeal not to delay work.

Proviso: removal of improvement.

Power to levy tax.

Sec. 9. That the commissioners may annually levy and collect the following taxes, in addition to the special taxes set forth in chapter seventy-three of the Revisal of one thousand nine hun-

dred and five, viz.: upon all real estate and personal property within the corporate limits of the town, upon all money on hand, solvent credits, upon all polls and other subjects of taxation taxed by the General Assembly for public purposes. Subjects of taxation.

Sec. 10. That the annual tax on property and poll enumerated in section nine shall not exceed sixty-six and two-thirds cents on the one hundred dollars valuation thereof, nor shall the poll tax annually exceed two dollars. Limit of tax rate.

Sec. 11. That the mayor, or other suitable person, shall, by order of the commissioners, take the list of taxables in the town in such manner and at such time as the commissioners may prescribe. If any person shall fail to list his taxables within the time prescribed by the commissioners, he shall be liable to double tax. The commissioners may, in case any person or corporation fail to list his taxables within the town, as herein set forth, take from the records of the county of Greene the list of taxables as listed for State and county purposes against said person or corporation, and said list shall have the same force and effect as if listed by said person or corporation within said town: *Provided, however*, that said person or corporation shall not thereby be relieved from double tax as herein provided for from any other penalty provided by law. List of taxables. Penalty for failure to list. List taken from county records.

Sec. 12. That as soon as the tax list can be completed the board of commissioners shall proceed to levy the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer of the town; that if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall forthwith proceed to collect the same by distress and sale, all sales to be made after public advertisement for the space of ten days at four public places in said town, if the property be personal, and for thirty days at the courthouse door and four other public places in said county, and in some newspaper published in said county of Greene, if the property be realty; and the said collector shall have the right to levy upon and sell any personal property situated outside the limits of the town and within the county of Greene belonging to the delinquent taxpayer of the town, in order to enforce the payment of taxes due the town by said delinquent. Levy of tax. Collection of tax. Settlement. Collection by distress. Property outside of town.

Sec. 13. That when the tax due on any lot or other land (which is hereby declared to be lien on the same) shall remain unpaid on the first day of January, the tax collector shall either proceed to collect the same by levy and sale of personal property belonging to the owner of said lot or shall report the fact to the commissioners, together with a particular description of the real estate, Sale of land for taxes.

and thereupon the commissioners shall direct the same to be sold before the mayor's office, in the town of Walstonburg, by the collector. The collector shall, before selling the same, make full advertisement of the said real estate as hereinbefore provided, and said collector shall sell said real estate or such portion thereof as may be necessary to pay said tax and the costs accruing thereon.

Advertisement of sale.

Return of tax collector.

Sec. 14. That the collector shall return an account of his proceedings to the commissioners, specifying the portions in which the land was divided, and the purchaser thereof, and the price of each, which shall be entered on the book of proceedings of the commissioners; and if there shall be a surplus after paying said taxes, the same shall be paid into the town treasury, subject to the demands of the owner.

Time for redemption.

Sec. 15. That the owner of any land sold under the provisions of this charter and amendments, his heirs, executors and administrators, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and twenty-five per cent on the amount of taxes and expenses; and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Conveyance in default of redemption.

Sec. 16. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the commissioners shall convey the same in full to the purchaser.

Cases removed from mayor.

Sec. 17. That whenever any person or persons who shall be arrested on a warrant issued by the mayor shall make oath that said person or persons cannot obtain justice before the mayor, it shall be the duty of the mayor to remove the entire cause before some justice of the peace of the township of Speights Bridge for trial; and the said justice of the peace shall have all the powers for this purpose that are vested in the mayor by this charter and the laws of the State; but the said justice of the peace shall try said case within the corporate limits of the town of Walstonburg; and all fines and imprisonment imposed by the justice of the peace shall be in accordance with the provisions hereof and the ordinances passed hereunder, and all fines imposed shall be paid to the treasurer of the town within five days after the same shall have been paid to the justice of the peace.

Punishment in accordance with town ordinances.

Sec. 18. That all laws and clauses of laws in conflict with this act are hereby repealed.

Copy of act forwarded.

Sec. 19. That a copy of this act be forwarded by the Secretary of State to the mayor of the town of Walstonburg within ten days after its ratification.

Sec. 20. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 46.

AN ACT TO AUTHORIZE THE COMMITTEE OF HUNTERSVILLE SCHOOL DISTRICT, No. 1, OF HUNTERSVILLE TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the committee of Huntersville School District, Number One, and the committee of Huntersville High School of Huntersville Township, Mecklenburg County, State of North Carolina, shall be and remain a body corporate under the name of the "Board of Trustees of Huntersville School," and may adopt and use a common seal, and the members thereof shall be chosen or appointed in the manner provided by law for the appointment of high school and public school committees; that said corporation shall be invested with all the property, real and personal, and all rights, privileges, and powers now owned, held, and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon, the committees of Huntersville School District, Number One, and of Huntersville High School, by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging, and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation; conveyances to said board of trustees shall be to them and their successors in office, and all deeds, mortgages, and other agreements affecting real estate, and all bonds and obligations, shall be deemed sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Committees incorporated.

Corporate name.

Corporate powers.

Rights, privileges and responsibilities.

Power to hold and deal with property.

Conveyances to board.

Execution of papers by board.

Sec. 2. That the said board of trustees of Huntersville School is hereby authorized to issue coupon bonds, not to exceed in amount the sum of twenty thousand dollars, and in denominations of one hundred dollars or multiples thereof, bearing interest from date of bonds at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July of each year, at such place as said trustees may designate, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by said board and named therein, not to be less than three nor more than forty years from date of issuing. The said bonds and their coupons shall be numbered and the bonds shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall be signed by the chairman of said board. A record shall be kept of the said bonds, showing the numbers and denominations

Bond issue authorized.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

Record of bonds.

thereof and when the same shall mature and the interest-bearing rate thereof, the amount received from the sale of the same and the date of the payment of, and such other data in relation to the same as the board may direct to be kept.

Bonds not sold below par. Nor delivered before payment.

Sec. 3. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said board of trustees of Huntersville School shall not deliver said bonds to the purchasers thereof until the purchase money shall be paid to the secretary or treasurer of said board and his receipt to the purchaser produced as evidence of such payment, and the secretary or treasurer of said board of trustees of Huntersville School shall receive all such moneys paid in the purchase of the bonds in his official capacity as secretary or treasurer of said board, and he and the sureties on his official bond shall be liable to account for and pay over the same; and it shall be the duty of the said board of trustees of Huntersville School to see that the bond of said secretary or treasurer shall at all times be sufficient in amount, and with satisfactory sureties, to provide against any loss of money arising from the sale of such bonds, and to that end may, at any time, require said secretary or treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from office as secretary or treasurer.

Treasurer to receive money.

Liable on bonds.

Moneys kept separate.

Sec. 4. That the secretary or treasurer of said board of trustees of Huntersville School shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the purchase of land for school sites, in erecting suitable buildings, in furnishing the same with all the necessary equipment, and for such other school purposes as the board of trustees of Huntersville School may order the same to be disbursed.

Use of proceeds of bonds.

Compensation of secretary or treasurer.

Sec. 5. That the said board of trustees of Huntersville School shall have power to fix the compensation for the secretary or treasurer for performing the duties conferred upon him by this act.

Sinking fund.

Sec. 6. That it shall be the duty of said board of trustees of Huntersville School to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to Huntersville School District, Number One, a sufficient sum for this purpose.

Payment of interest.

Sec. 7. That it shall be the duty of said board of trustees of Huntersville School to provide each year for the payment semi-annually of the interest on said bonds, and for that purpose to set apart each year from the special-tax fund for said district a sum sufficient to pay the same.

Sec. 8. That it shall be the duty of the board of trustees of Huntersville School to invest or loan such moneys out of the special-tax fund for said district each year as may be set apart and deemed sufficient for the purpose of meeting and retiring said bonds at maturity. Investment of sinking fund.

Sec. 9. That for the purpose of providing for the payment of the semiannual interest on said bonds, and for the purpose of creating a fund to redeem and retire said bonds as the same may mature, the county commissioners of Mecklenburg County, North Carolina, shall annually, at the time of levying taxes for State and county purposes, levy a special tax in addition to the special tax now and heretofore levied for said district, not to exceed the sum of fifteen cents on each hundred dollars valuation of property in said district and a sum not to exceed forty-five cents on each poll in said district, which said special tax shall be used in connection with, and in addition to, the special tax now and heretofore levied on the property of said district and on each poll of said district, for the purposes of this act, as heretofore set forth; and said additional special tax shall be collected and paid over in the same manner as the special tax now and heretofore levied on the property of said district, and on each poll of said district, and the special tax now and heretofore levied and the additional special tax provided for in this act shall continue one fund. Special tax. Limit of rate. Collection and settlement of tax.

Sec. 10. That this act shall be submitted to the qualified voters in Huntersville School District, Number One, for their ratification or rejection, at an election to be held in the town of Huntersville at such time as the Board of Commissioners of Mecklenburg County shall designate, within twelve months after the ratification of this act. The said election shall be advertised by the board of commissioners for thirty days prior to the day of election, in three or more places in said school district, and the election shall be held under the rules, regulations, and directions existing under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, Laws of North Carolina, for voting special tax in school districts. The board of county commissioners shall appoint a registrar and two pollholders, and shall order a new registration for said district, and the election shall be held in said district under the laws governing general elections, as near as may be. At said election those who are in favor of issuing the said bonds shall vote "For Bonds," and those who are opposed shall vote "Against Bonds," on written or printed ballot. The ballot cast for and against shall be counted and the result of the election certified and returned to the Register of Deeds of Mecklenburg County, who shall furnish to the chairman of said board of trustees of Huntersville School a certified copy of said return under seal, who shall file the same in his office. If at the election a majority of the qualified voters shall vote for bonds, then the said board of trustees shall proceed at Act to be submitted to voters. Time for election. Advertisement of election. Law governing election. Election officers. New registration. Ballots. Count and return of votes. Effect of election.

once to issue and sell said bonds, or so many thereof as may be necessary, in the judgment and discretion of said board, for the purposes aforesaid.

Sec. 11. That all laws and parts of laws in conflict with this act are hereby repealed in so far as they relate thereto.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 47.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LEXINGTON.

The General Assembly of North Carolina do enact:

Section 1. Amend chapter fourteen of the Private Laws of one thousand nine hundred and seven as follows: Amend section two thereof, in line nineteen, by adding after the word "corner" the following: Thence north 80½ degrees east 2 chains to a stone, north of Mocksville Bridge at right of way Winston-Salem Southbound Railway on its west side; thence with said right of way north 19 degrees east 60 chains to a stone at the right of way of said railroad on the west side; thence south 85 degrees east 43 chains 90 links to a stone on the east side of the Salem Road near where the road goes to the negro graveyard, and at this point connecting with the former boundary line of said town as set out in said section in line twenty-one, after the word "graveyard." Strike out in said section the former boundary, reading "thence north 51 degrees east 94½ chains to the east side of the Salem Road near where the road goes to the negro graveyard."

Boundary changed.

Sec. 2. Also amend section twenty of said chapter, subsection four, by adding to the end of said section the words, "and on every laundry company or agent soliciting work for any laundry company, not exceeding twenty dollars per year."

Tax on laundries and laundry agents.

Sec. 3. Amend subsection six of section twenty by adding the word "basements" after the word "piazzas," in line one thereof.

Encroachments on streets.

Sec. 4. Amend subsection eleven by striking out the word "ten," in line two thereof, and inserting the word "twenty-five."

Bill-posters.

Sec. 5. Amend section twenty-six by adding in line seven thereof, after the word "kind," the words "or any tree."

Trees may be declared nuisance.

Sec. 6. All laws in conflict with this act are hereby repealed, and this act shall be in force and effect from and after its ratification.

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 48.

AN ACT TO INCORPORATE THE TOWN OF ENGELHARD, HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Engelhard in the county of Hyde be and the same is hereby incorporated by the name and style of "Town of Engelhard," and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Town incorporated. Corporate name. General law applicable.

Sec. 2. The corporate limits of said town shall be a radius of one-half a mile from the bridge across the Spencer leading ditch in front of R. S. Spencer's shore in said town of Engelhard. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of a mayor, four commissioners, and one town constable, and such other officers as the town commissioners shall elect; and the following named persons shall fill the offices of mayor, commissioners, and constable from their qualification until the first Monday in May, one thousand nine hundred and thirteen, and until their successors are elected and qualified: for mayor, W. E. Cox; for commissioners, W. C. Davis, G. E. Roper, John E. Spencer, and Closs Gibbs; and for town constable, John O. Gibbs; and that the tax rate in said town shall not exceed one-half of one per cent. Town officers. First officers named. Tax rate.

Sec. 4. An election shall be held in said town on the first Saturday in May, one thousand nine hundred and thirteen, and biennially thereafter, for a mayor and four commissioners, and for a town constable, under the laws of North Carolina regulating elections in towns and cities. Town elections.

Sec. 5. That the mayor and commissioners shall form a council, and may make, publish, and enforce ordinances for the government of said town, not inconsistent with the Constitution and laws of North Carolina. Powers of town council.

Sec. 6. That the officers provided for by this act shall qualify within thirty days after its ratification before a justice of the peace, or the clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner. Officers to qualify.

Sec. 7. That it shall be unlawful for any person or persons, firm or corporation, to sell wines, ciders, near-beer, or any intoxicants of any kind whatsoever in said town, and no license therefor shall be granted by said commissioners. Prohibition.

Sec. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. This act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1913.

CHAPTER 49.

AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF OXFORD TO ISSUE BONDS FOR SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

Trustees incorporated.

Section 1. That the board of graded school trustees of the town of Oxford as established by chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three shall be and remain a body corporate under that name, and may adopt and use a common seal, and shall be vested with all the property, real and personal, of the Oxford Graded Schools, and the powers of said board to sell, mortgage, convey, and transfer same and in the manner as set forth in section six of said chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three, are hereby confirmed and reënacted.

Corporate powers.

Property vested.

Bond issue authorized.

Sec. 2. That the board of graded school trustees of the town of Oxford be and they are hereby authorized to issue coupon bonds to the amount of not exceeding twenty thousand dollars, to bear interest at a rate of not more than five per centum per annum, to mature and be payable in not less than ten nor more than thirty years from date thereof; and that said board of graded school trustees are hereby authorized and empowered to sell said bonds for the best price obtainable in the discretion of said board, and said bonds shall be in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), payable and redeemable at such time and place as may be fixed by said board and named therein: *Provided*, that said board be authorized to pay a reasonable commission or brokerage for the disposal of said bonds, if same be necessary. The said bonds shall be signed by the chairman of said board and countersigned by the secretary, and have the corporate seal of said board affixed thereto, and the coupons attached shall bear the printed or lithographed signature of the chairman of said board: *Provided*, that no bonds shall be issued nor indebtedness incurred under and by virtue of this act unless approved by a majority of the qualified voters residing within the town of Oxford (which said town comprises the limits of said Oxford Graded School District), said approval of said voters to be determined at an election to be held therefor. Said election shall be called by the board of town commissioners of Oxford, to be held within said town at the usual voting place, at such time as the board of graded school trustees shall request, after thirty days notice, and said election shall be called and held in the same way as elections are held for the election of mayor and for other municipal purposes. And

Amount.

Interest.

Maturity.

Sale of bonds.

Denominations.

Proviso: brokerage on bonds.

Authentication.

Proviso: bond issue to be approved by election.

Town commissioners to call election.

Notice of election.

Law governing election.

said board of town commissioners of Oxford shall appoint the registrar and poll-holders for said election, and the registration book of the town of Oxford shall be used for registration of voters, and all persons whose names are now registered on said registration book need not register again for this election. And at said election those favoring the issuance of said bonds shall vote a ticket upon which shall be written or printed the words "For Graded School Building Bonds," and those who oppose the issuance of said bonds shall vote a ticket upon which shall be written or printed "Against Graded School Building Bonds." After said election said registrar and poll-holders shall make a report to the said board of town commissioners of the result of said election, showing the number of registered votes, the number of votes "For Graded School Building Bonds" and the number of votes "Against Graded School Building Bonds," and said board of town commissioners shall record said report and declare the result. If a majority of the qualified voters of said town and district shall vote in favor of the issuance of said bonds, that the board of graded school trustees shall issue said bonds.

Election officers.

Registration.

Tickets.

Report of election.

Majority of qualified voters.

Sec. 3. That the board of graded school trustees shall keep separate the money arising from the sale of said bonds, and the same shall be expended and disbursed by said board in erecting, completing, furnishing, and equipping the graded school buildings in the town of Oxford, and to pay off and take up all outstanding indebtedness heretofore created for said purpose, and for no other purpose: *Provided*, that the holders of said bonds shall not be required to see to the application of the money arising from the sale of said bonds.

Moneys kept separate.

Use of proceeds of bonds.

Proviso: no liability on purchasers.

Sec. 4. That it shall be the duty of said board of graded school trustees, as empowered by section four, chapter three hundred and thirty-three, Public Laws of one thousand nine hundred and three, to require the board of commissioners of Oxford to annually levy a tax, within the limits therein set out, of thirty cents on the hundred dollars valuation and ninety cents on the poll, sufficient to meet the interest on the bonds herein authorized and to provide for a suitable sinking fund. And if the said board of graded school trustees or their successors in office shall fail to so require the levy of taxes sufficient for said purpose, then the holders of said bonds shall be subrogated to the right to require the levy of the full amount of taxes specified by section four, chapter three hundred and thirty-three, Public Laws of one thousand nine hundred and three; and the holders of said bonds shall be further subrogated to the right to call for the proportionate part due the Oxford Graded Schools from the school fund of the county of Granville, or from the State of North Carolina, in case default should be made in the payment of the interest or principal of said bonds, and the right of action is hereby expressly given the holders of said bonds, or any of them, to enforce the rights herein granted in the Superior Courts of North Carolina.

Special tax.

Rights of holders of bonds.

Right of action.

Compensation of treasurer.

Sec. 5. That the board of graded school trustees shall have power to fix the compensation of the treasurer for the performance of his duties that may be required of him in the carrying out of the provisions of this act.

Sinking fund.

Sec. 6. That it shall be the duty of the said board of graded school trustees to provide a sinking fund for the payment of the principal of said bonds at maturity as near as may be feasible, and for that purpose shall set apart each year from the taxes collected, moneys apportioned and other income derived for the graded schools of Oxford, a sum as nearly sufficient for that purpose as possible.

Payment of interest.

Sec. 7. That it shall be the duty of said board of graded school trustees to provide each year for the payment of the semiannual interest on said bonds, and for that purpose shall set apart each year from the taxes received, moneys apportioned, and other income derived for the graded schools of the district of Oxford a sufficient sum to pay same.

Apportionment from county board of education.

Sec. 8. That in order to meet the payment of said bonds and interest, the county board of education of Granville County is hereby authorized and directed to apportion annually for ten years, beginning with the year one thousand nine hundred and thirteen, out of the amount set aside from the school fund of said county as a building fund, the sum of five hundred dollars ($500), to be applied to the payment in part of the bonds issued as aforesaid, for the erection of said school buildings, said sum to be in addition to any amount apportioned by said county board for current expenses of the Oxford Graded Schools.

Sec. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 50.

AN ACT TO AUTHORIZE THE TOWN OF HAMLET TO ISSUE BONDS FOR STREET AND BRIDGE IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Purpose of funds.

Section 1. That in order to provide funds for building and repairing the streets and public bridges of the town of Hamlet, the board of commissioners of the town of Hamlet are hereby authorized to issue coupon bonds, bearing interest, payable annually or semiannually, at a rate not exceeding six per cent, to the amount not exceeding five thousand dollars, in denominations of not exceeding one thousand and not less than five hundred dollars,

Bond issue authorized.
Interest.
Amount.
Denominations.

payable not more than thirty years from date of issue. Said bonds being signed by the mayor of the town and countersigned by the treasurer and sealed with the corporate seal of the town, and the coupons on said bonds bear the engraved or lithographed signature of the treasurer and shall be made payable, both principal and interest, at such place or places as the board may determine. Said bonds shall be sold at public or private sale, with or without notice, and the proceeds of said bonds shall be applied for the purposes herein set out, and no other. The purchasers of said bonds shall not be bound to see to the application of the purchase money.

Maturity.
Authentication.
Sale of bonds.
Specific appropriation of proceeds.
Liability of purchasers.

Sec. 2. When said bonds are issued as herein provided, the board of commissioners of the town of Hamlet are hereby authorized and directed to levy and collect a tax on all taxable property and polls in said town of Hamlet sufficient to pay interest on said bonds as same may become due, and also before the principal of said bonds shall become due to levy and collect a further tax to pay same, or to provide a sinking fund for the payment thereof. The tax so levied shall be an *ad valorem* tax, in the proportion required by the Constitution of North Carolina, and shall be levied and collected in the same manner and at the same time as other taxes upon property and polls of the said town.

Special tax.
Constitutional equation.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 51.

AN ACT TO AMEND CHAPTER 98 OF THE PRIVATE LAWS OF 1911, RELATING TO THE CAROLINA AND TENNESSEE SOUTHERN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety-eight of the Private Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out in line six of section three the words "except as hereinafter provided," and by striking out section four of said chapter.

Time to begin work.

Sec. 2. That all rights, powers, and privileges conferred on the Carolina and Tennessee Southern Railway Company by chapter seventy-two of the Private Laws of one thousand nine hundred and three, and amendments thereto, shall cease and determine unless the said Carolina and Tennessee Southern Railway Company, its successors or assigns, shall within two years from the first day of March, one thousand nine hundred and thirteen, commence work on its line of railway between the town of Franklin

Time for beginning and completion of work.

in the county of Macon, State of North Carolina, and the point of intersection with the Western North Carolina Railway in Swain County in said State, and shall prosecute the work in good faith, according to the intent of this act, until the completion of the said line of railroad from said town of Franklin to the Tennessee State line, which time for completion shall in no event be longer than eight years from the ratification of this act. Upon failure to comply with the provisions of this act, the Attorney-General is hereby authorized and empowered to bring suit against the said Carolina and Tennessee Southern Railway Company, its successors or assigns, in the Superior Court of any county through which the said contemplated line runs, for the purpose of declaring all rights and privileges of said corporation forfeited.

Attorney-General to bring suit.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 52.

AN ACT TO AMEND CHAPTER 35 OF THE PRIVATE LAWS OF 1893, RELATIVE TO THE CORPORATE NAME OF THE BRANCH BANKING COMPANY OF WILSON, N. C.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter thirty-five of the Private Laws of one thousand eight hundred and ninety-three, being an act amendatory of chapter one hundred and twenty-two of the Private Laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by inserting between the words "Banking" and "Company," in the last line thereof, the words "and Trust."

And "Trust Company."

Sec. 2. That this act shall have no other or further effect than to change the name of the corporation created by chapter one hundred and twenty-two of the Private Laws of one thousand eight hundred and eighty-nine and the several acts amendatory thereof from "The Branch Banking Company" to "The Branch Banking and Trust Company," and shall in no wise affect any contracts now outstanding made by the said corporation under the name of The Branch Banking Company, nor shall it affect the title to any property, real or personal, now owned by the said corporation, but the corporation shall be and remain the same in all respects, with the exception of the change of name.

Name changed.

Contracts and titles not affected.

Sec. 3. That this act shall be in force from and after the first day of April, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 14th day of February, A. D. 1913.

CHAPTER 53.

AN ACT TO AMEND CHAPTER 372 OF PRIVATE LAWS OF 1911.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter three hundred and seventy-two of the Private Laws of one thousand nine hundred and eleven be amended by striking out the word "eleven," in lines three, four, and ten, and insert in lieu thereof the word "thirteen," so as to make said section read "one thousand nine hundred and thirteen"; and to further amend said section by striking out the words "in June" and inserting in lieu thereof the words "when general taxes are levied." Tax extended.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 54.

AN ACT FOR THE PROTECTION OF PRIMITIVE BAPTIST ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm, or corporation, except at their regular place of business, to sell or offer for sale within one and one-half miles of any meeting of the Upper Country Line Primitive Baptist Association and the Lower Country Line Association, at any time during the three days and nights of their meetings, any wine, whiskey, or other alcoholic drinks, or beer; confectioneries, candies, lemonade, coca-cola, pepsi-cola, soda water, ginger ale, or any cold or soft drinks or concoctions of any kind whatsoever, or any cigars, cigarettes, or tobacco of any kind; or to make photographs or other pictures. Any person, firm, or corporation so offending shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days, or both, at the discretion of the court. Sales of certain articles at certain times forbidden. List of prohibited articles. Misdemeanor. Punishment.

Sec. 2. A regular place of business under this act shall be a business which has been offering for sale regularly for six months immediately prior to said meetings of said association the same class of goods which they offer for sale on the days of the meetings mentioned in section one of this act. Regular place of business defined.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 55.

AN ACT TO AMEND SECTION 2 OF CHAPTER 283 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1911, RELATIVE TO THE RATE OF INTEREST TO BE CHARGED UPON THE WATERWORKS BONDS OF LILLINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter two hundred and eighty-three of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended as follows: Strike out the word "five," in line two, and also the word "five," in line five of said section, and insert in lieu thereof the word "six" in each place respectively.

Interest rate.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 56.

AN ACT TO AMEND CHAPTER 394 OF THE PRIVATE LAWS OF 1911, TO REDUCE THE MINIMUM OF CAPITAL STOCK OF THE SOUTHERN ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. That section eleven of chapter four hundred and nineteen of the Public Laws of nineteen hundred and nine, as amended by chapter three hundred and ninety-four of the Private Laws of nineteen hundred and eleven, be stricken out and the following be substituted therefor, to wit: "The total authorized capital stock of the said corporation shall be not less than twenty-five thousand dollars nor more than five hundred thousand dollars, divided into shares of the par value of one hundred dollars each, and at least three-fourths of the capital stock of said corporation shall be held by members of the Methodist Episcopal Church, South."

Capital stock.

Stockholders.

Sec. 2. That this act shall be considered in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1913.

CHAPTER 57.

AN ACT FOR THE RELIEF OF B. R. BROWN AND E. G. MYERS, PUBLIC SCHOOL TEACHERS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Yadkin County is hereby authorized and directed, upon order of the board of education, to pay B. R. Brown, out of the general school fund of Yadkin County apportioned to the school districts hereinafter named, the sum of eighteen dollars and seventy-five cents, balance due him as teacher in School District Number One, in Fall Creek Township, Yadkin County, for the year one thousand nine hundred and twelve. Payment to B. R. Brown authorized. Amount.

Sec. 2. That the Treasurer of Yadkin County is likewise authorized and directed, upon order of the board of education, to pay to E. G. Myers, out of the general school fund of Yadkin County apportioned to the school district hereinafter named, the sum of fifteen dollars and ninety-five cents, balance due him as teacher in School District Number Five, in Deep Creek Township, Yadkin County, for the year one thousand nine hundred and twelve. Payment to E. C. Myers authorized. Amount.

Sec. 3. That before said sums shall be paid the said B. R. Brown and E. G. Myers shall procure orders signed by the respective township committee of the school taught and countersigned by the county superintendent of public schools. Orders for payment.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 58.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH WITHIN THE CITY OF ASHEVILLE A SPECIAL COURT TO BE CALLED THE POLICE COURT, AND PRESCRIBE THE JURISDICTION THEREOF," THE SAME BEING CHAPTER 35 OF THE PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Section 1. That the act of the General Assembly of North Carolina, entitled "An act to establish within the city of Asheville a special court to be called the Police Court, and prescribe the jurisdiction thereof," ratified March fourth, one thousand nine hundred and five, the same being chapter thirty-five of the Private Laws of one thousand nine hundred and five, be and the same is hereby amended by striking out the words "seventy-five" immediately following the words "salary of," in line seven of section two of said act, and insert in lieu thereof the words "one hundred and twenty-five." Salary.

Jurisdiction extended.

Sec. 2. By inserting between the word "law" and the word "and," in line five of section five, the following: "and also embezzlement and larceny of and receiving stolen property where the value of said property does not exceed twenty dollars."

Warrants issued by clerk.

Sec. 3. By inserting between the word "justice" and the word "for," in line one of section six, the following: "or by the clerk of said police court."

Trials on warrants.

Sec. 4. By adding at the end of section eight the following words: "or by said police court clerk, or upon warrants issued by a justice of the peace and other committing magistrates against any person or persons for any offense included in section five of said chapter thirty-five of the Private Laws of one thousand nine hundred and five, in which probable cause of guilt is found."

Proviso: case on appeal.

Sec. 5. By inserting after the word "peace," in line twelve of section fourteen, the following: "*Provided*, that the clerk of the said court shall certify up all records and transcripts of records on appeal."

Clerk may issue precepts.

Sec. 6. Insert in section sixteen of said chapter thirty-five of the Private Laws of one thousand nine hundred and five, between the words "city" and "may," in line one of said section, the words, "or the clerk of said court."

Costs taxed.

Sec. 7. Add between the word "peace" and the word "provide," in line eight, section seventeen, the following: "In cases where a justice of the peace would have jurisdiction; but in all cases of which a justice of the peace has not jurisdiction and of which the police court has final jurisdiction, the same costs shall be taxed as are now taxed in like cases in the Superior Court, except jury costs and solicitor fees; and in addition there may be taxed as costs, one dollar as a trial tax: *Provided, however*, in all cases in which a justice of the peace has jurisdiction, such trial tax shall not exceed fifty cents in each case."

Clerk to administer oaths.

Sec. 8. By inserting between the word "same" and the word "said," in line three of section twenty, the following: "that said police court clerk shall have the same power and authority of administering oaths as that of the judge of said police court; and that the Board of Aldermen of the City of Asheville are authorized to impose the duty of the collection of all fines, penalties, forfeitures, and costs upon said police court clerk, as is now imposed on the chief of police in that respect, and require said police court clerk to give sufficient bond for the faithful performance of his duties in connection with such office; and that said board of aldermen may also require any other duties of the said clerk as it in its discretion desires."

Collection of fines, forfeitures, and costs.

Sec. 9. That all laws and clauses of laws, and parts of law, whether of a general or private nature, inconsistent with any of the provisions of this act be and the same are hereby repealed.

Sec. 10. That this act shall be in full force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 59.

AN ACT TO INCORPORATE THE CITY OF RALEIGH, AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the city of Raleigh shall continue, as they have heretofore been, a body politic and corporate, under the name and style of "The City of Raleigh," and under such name and style shall have perpetual succession, may adopt a corporate seal, contract and be contracted with, sue and be sued, plead and be impleaded; acquire by purchase, devise, bequest, or other conveyance, such real and personal property anywhere within Raleigh Township as may be requisite and necessary for the proper government and needs of the city; hold, invest, improve, use, govern, control, and protect, and sell or dispose of the same, and have all the powers, rights and privileges necessary, belonging, or usually appertaining to municipal corporations.

Corporate name.

Corporate rights and powers.

Corporate limits.

Sec. 2. The territory bounded by and included within the following lines, as external boundaries, to wit, on the north by a line centered upon the center of Union Square, and lying five thousand two hundred and eighty feet to the northward thereof, parallel with the true center of Hillsboro Street and New Bern Avenue; south by a line centered as aforesaid, and lying five thousand two hundred and eighty feet to the southward of said center, parallel with said first described line, and on the east and west by a line parallel with the true center of Fayetteville and Halifax streets, lying five thousand two hundred and eighty feet to the eastward and westward thereof, respectively, thereby intersecting and closing the extremities of the first and second above-described lines, shall constitute and be the territorial area of the city of Raleigh: *Provided*, that the tract of land conveyed to the city of Raleigh by R. S. Pullen, Esq., by deed dated March the twenty-second, one thousand eight hundred and eighty-seven, as recorded in book ninety-five, page four hundred and sixty-three, register of deeds' office of Wake County, and known as "Pullen Park," and all other territory which may be acquired by the city of Raleigh by purchase or donation or otherwise for park purposes, and the cemetery for the burial of deceased white persons (located northeast of the city of Raleigh), known as "Oakwood Cemetery," and the cemetery for the burial of deceased colored persons (located southeast of the city of Raleigh), known as "Mount Hope Cemetery," and that the tract of land conveyed to the city by D. M. Carter and wife by deed registered in book one hundred and sixty-two at page one hundred and sixty-two in the office of the Register of Deeds of Wake County, and the tract of

Proviso: other territory included.

land conveyed to the city by Laura Carter by deed registered in book one hundred and sixty-one at page four hundred and six in said register of deeds' office of Wake County, which tracts of land are owned by the city for the purposes of maintaining a garbage farm and as a site for the smallpox hospital, shall also be included in the corporate limits of the city of Raleigh, and all ordinances now in force or hereafter enacted by the board of commissioners of said city shall be applicable to the territory included in said Pullen Park or other parks and in said cemeteries and said tracts of land as fully as if the said territory was embraced within the limits of the city of Raleigh.

Application of ordinances.

Subdivisions to conform to abutting streets and lots.

Sec. 3. *Platting of property.* That should any property lying within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the city engineer a correct map of same: *Provided*, that in no case shall the city of Raleigh be required to pay for any of said streets at whatever date opened; but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the city of Raleigh for use as public highways, and shall be cared for as such.

Map of subdivision.

Proviso: streets donated to city.

Property and property rights vested in city.

Sec. 4. That all property, real, personal, and mixed, of whatsoever character or description, and wheresoever situate, now held, controlled, or used by the city of Raleigh for any purpose, or which may hereafter be held, controlled, or used by said city, or which may have been vested in said city by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens, and causes of action of any and all kinds in favor of the city of Raleigh, shall vest in and remain and inure to the city of Raleigh, its successors and assigns under this act.

Executive officers.

Sec. 5. That the corporate powers of the city of Raleigh shall be exercised as hereinafter provided by the board of commissioners and such other officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed.

Distribution of executive and administrative powers

Sec. 6. That the executive and administrative powers, authority, and duties in the city of Raleigh are distributed into and among the several departments, and the powers and duties to be performed are assigned to the appropriate departments and officers, all as herein set forth.

Article II.

Board of Commissioners.

Board of commissioners. Mayor.

Election.

Commissioner of public works.

Section 1. The board of commissioners shall consist of three members, one of whom shall be mayor, and all of whom shall be elected by vote of the people as hereinafter provided. One of said commissioners shall be elected and known as the Commissioner of Public Works, one of said commissioners shall be elected and

known as the Commissioner of Public Safety, and the mayor shall be known as the Commissioner of Public Accounts and Finances. Commissioner of public safety. Commissioner of public accounts and finances.

MAYOR.

Sec. 2. The mayor shall be chief executive officer of the city of Raleigh, and subject to the supervision of the board of commissioners, and shall perform all duties pertaining to such office. He shall do and perform all the duties provided or prescribed by law or by the ordinances of the city of Raleigh not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the city government, and shall be the chief representative of the city, and shall report to the board any failures on the part of any of the officers of his or of any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the city, unless otherwise provided by law, or ordinance, or resolution of the board of commissioners; he shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance, or by resolution of the board of commissioners. Mayor chief executive officer. Duties not otherwise expressly delegated. General supervision of departments and offices. Reports to board. To preside at meetings of board. To sign contracts. Preparation and publication of reports.

COMMISSIONER OF PUBLIC ACCOUNTS AND FINANCES.

Sec. 3. The commissioner of public accounts and finances (who is also mayor) shall be the purchasing agent of the board of commissioners of the city of Raleigh, and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased, the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person to be designated by the board of commissioners; he shall be collector of all taxes; he shall collect water rents; he shall issue all license or permits as provided by law, ordinance, or resolution adopted by the board of commissioners, and in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board to substitute some one else to temporarily perform any of such duties; he shall have control of all employees of his department, and of all other officers and employees not by law, ordinance, or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents, and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three months inspect or superintend inspection of all records or accounts re- Purchasing agent. Bills submitted to and approved by board. Warrants. Collection of taxes and water rents. Licenses and permits. Temporary supervision of other departments. Control of employees. Supervision of accounts and records. Quarterly inspection of records and accounts.

quired to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all the departments, employees, and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published quarterly statements showing the financial condition of the city; he shall examine or cause to be examined all accounts, pay-rolls, and claims before they are acted on or allowed, unless otherwise provided by law or by order of the board of commissioners; he shall procure from all persons, firms, or corporations operating public-service utilities in the city, and cause to be placed on file, such reports as are by law or ordinance or order of the board of commissioners required to be made by said public-service corporation to the city or any of its officers, and shall procure copies of such reports as are made to the State or any public department or office, and cause the same to be placed on file, and shall collect all license fees, franchise taxes, rentals, and other moneys which may be due or become due to the city; he shall report the failure on the part of any person, firm, or corporation to pay money due the city; he shall report to the board of commissioners any failure on the part of any person, firm, or corporation to make such reports as are required by law, ordinance, or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper; he shall, unless otherwise provided by the board of commissioners, cause to be examined the accounts and records of any person, firm, or corporation operating a public-service utility in the city, whenever such person, firm, or corporation is required to submit its accounts to the city for examination, and shall report to the board of commissioners any refusal on the part of any such person, firm, or corporation to submit to such examination; the assessor, auditor, city clerk, city attorney, and their respective offices or departments, and all employees therein, and all bookkeepers and accountants are apportioned and assigned to the department of public accounts and finances, and shall be under the direction and supervision of the commissioner thereof; he shall do and perform any and all other services ordered by the board, or that may be ordered by the board, not herein expressly conferred upon some other department.

Methods of bookkeeping.

Quarterly audit of accounts.

Publication of quarterly statements.

Examination of accounts, pay-rolls, and claims before allowed.

Reports from purveyors of public utilities.

Copies of reports to State.

Collection of amounts due to city.

Reports of failures to pay money or file reports.

Recommendations.

Examination of purveyors of public utilities.

Report of refusal to submit to examination.

Officers and employees assigned to department.

Other services by order of board.

COMMISSIONER OF PUBLIC WORKS.

Authority not expressly given to other departments.

Sec. 4. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department, the construction, cleansing, sprinkling,

and repair of the streets and public places, the erection of public buildings for the city, the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the civil engineer, of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvements made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance, or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways, and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, cemeteries, and control of the placing of bill-boards and street waste-paper receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department, and all persons, firms, or corporations rendering services in the city under any franchise, contract, or grant made by the city or State, not otherwise assigned to some other department; he shall have control of the location of street-car tracks, telephone and telegraph wires, and other things placed by public-service corporations, in, along, under or over the streets, and shall report to the board of commissioners, or city officers as may be appointed by them to receive his reports, any failure of such person or corporation to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm, or corporation to observe the requirements or conditions of such franchise, contract, or grant. He shall have charge of the water-sheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the city of Raleigh; it shall be his duty to act for the city, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water for the city; he shall have supervision and control of all buildings, grounds, and apparatus connected therewith, and incident to the furnishing of water for the city; he shall superintend the erection of water tanks, and laying of water lines, and the operation thereof. The department of the civil engineer, and all employees therein, the departments of streets, parks, cemeteries, buildings, and all employees in said departments, shall be under the supervision and control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, cemeteries, and public parks in the city of Raleigh, or belonging to said city, subject to the supervision and control of the board of commissioners; he shall do and perform

Streets and public places.
Public buildings.
Public improvements.
Estimates of civil engineer.
Acceptance of work and improvements.
Other duties with reference to other matters.
Control, management, and direction of public grounds, bridges, viaducts, subways, and buildings.
Enforcement of law and ordinances as to streets, public squares and places, cemeteries, bill-boards and trash receptacles.
Supervision of public utilities.
Persons rendering service under franchise.
Car tracks and wires.
Reports of failure to render service or in observance of law.
Charge of water-shed and water system.
Rights of way and easements for water supply.
Supervision and control of buildings, grounds and apparatus.
Water tanks and water lines.
Departments and employees subject to supervision and control.
Supervision of streets, cemeteries, and parks.
Other services ordered by board.

all other services ordered by the board, or that may be ordered by the board, not herein expressly conferred upon some other department.

COMMISSIONER OF PUBLIC SAFETY.

Charge of police force.

Power to supplant chief.

Directions to officers and employees.

Police stations and jails.

Supervision and control of fire department.

Power to supersede chief.

Orders binding on department.

Electrical, plumbing and building inspector.

Market house and employees.

Charge of officers and employees of department.

Traffic regulations.

Public health and sanitation.

Health ordinances, rules and regulations.

Supervision of dumping grounds and scavenger.

Enforcement of quarantine.

Street cleaning.

Entry on private premises.

Abatement of nuisances.

Sec. 5. The commissioner of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and employees in the police department, and his direction shall be binding upon all such officers and employees, subject only to the control of the board of commissioners; he shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance and patrol wagons used in connection with his departments; he shall have supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers and employees therein or connected therewith, and of all fire stations, property and apparatus used in connection with the fire department; and of the fire-alarm system, and all property and apparatus connected therewith; he shall have power to temporarily supersede the chief of the fire department, and his orders to said department and all employees therein shall be binding upon said department; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market house, and the employees connected therewith, and of all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys, and public ways, on and across railway lines, and through and over the cemetery ways, public parks, and other public places; he shall, subject to the supervision of the board of commissioners, have control of the laws, ordinances, and orders relating to the public health and sanitation, and all health officers, employees of the city connected with and under his department; and it shall be the duty of the board of commissioners to pass such ordinances and prescribe such rules and regulations and employ such persons as will be necessary to preserve and protect public health; he shall have control and supervision, through the health officer under his department, over public dumping grounds and dumps, and city scavenger; he shall be charged, through his department, with the enforcement of all quarantine regulations, of keeping clean all streets, alleys, and public places, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety; he shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause

to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the control of the board of commissioners, that may be necessary and expedient for the promotion of the health and the suppression of disease. General powers.

He shall have control and supervision over the sewer system in the city of Raleigh; he shall have charge of and control over the sewer inspector, and all other officers and employees connected with the department of lights and sewers; he shall have supervision and control over the lighting system of the city of Raleigh, and the management and direction of the lighting of the streets, alleys, and all other public places and grounds, and all other places where city lights are placed; he shall be charged with the duty of seeing that all persons, firms, and corporations charged with the duty of supplying lights or water-power perform the obligations imposed upon them by law, ordinance, or order of the board of commissioners; he shall have the direction of all employees of the city connected with and under his department; he shall perform all other services ordered by the board of commissioners, or that may be ordered by the board, not herein expressly conferred upon some other department. Supervision of sewer system. Inspector, officers, and employees. Supervision of light system. Street lights. Supervision of purveyors of lights or water. Direction of employees of department. Other services ordered by commission.

Sec. 6. It shall be the duty of each commissioner to recommend to the city purchasing agent the purchase of goods, and the contracts of all bills necessary to be contracted for his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto. Recommendations to purchasing agent. Recommendations submitted to board.

Sec. 7. The board of commissioners shall have the power to require all public-service corporations, and all people doing a public-service business in the city of Raleigh, to make such reports, and have a right to the inspection of such books and papers, as the North Carolina Corporation Commission has the right to require and inspect under the laws now enacted, or which may be enacted, with reference to public-service corporations doing business in the city of Raleigh. Reports from and inspection of purveyors of public service.

Sec. 8. The board of commissioners has and shall exercise all legislative powers, functions, and duties conferred upon the city or its officers. It shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls, and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvements, or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the board of commissioners, or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts or Legislative powers. Orders for work and improvements. Control of finances. Assessments for improvements. Contracts. Contracts drawn by or submitted to city attorney.

authorizing the making of contracts shall be drawn by the city attorney, or submitted to such officer before the same is made or passed. All heads of departments, agents, and employees are the agents of the board of commissioners only, and all their acts shall be subject to review, and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of public service, report to the board of commissioners, in writing, respecting the business of his department, or office, or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department, a superintendent, officer, agent, or employee, duties in respect to the business of any other department, office, or employment, and such services shall be rendered without additional compensation. The board of commissioners shall elect and have authority over the city clerk, who shall be the clerk of the board of commissioners.

Heads of departments, agents, and employees agents of board.
Acts subject to review.
Reports from minor officers.
Transfer of duties.
City clerk.

Officers and employees of each department.
Power to suspend, remove, or discharge subordinate.
Proviso: right of appeal.
Hearing on appeal.
Reinstatement if order reversed.
Proviso: no claim for time lost.

Sec. 9. All officers and employees of each department shall be under the control and supervision of the commissioner of that department, subject to the ultimate control of the board. That for any reason, satisfactory to himself, a commissioner of any department is hereby empowered to suspend, remove, or discharge any subordinate officer or employee in his department: *Provided*, that any officer or employee elected by the board of commissioners shall have the right, at any time within three days from the time of such ruling, to appeal from the same to the board of commissioners, who shall hear the same at their first regular meeting after such appeal is taken, and may affirm or reverse such commissioner. If the ruling of the commissioner be reversed, said officer or employee shall at once be reinstated in his office or employment: *Provided further*, the party so suspended, removed, or discharged shall have no claim against the city for the time lost by reason of such ruling of the commissioner.

Audit of books and accounts.

Sec. 10. The board of commissioners shall cause to be audited the books and accounts of all departments, and of all officers and employees who do or may receive or disburse money.

Matters pertaining to public health.

Sec. 11. The board of commissioners shall have charge of all matters pertaining to the public health, and shall perform all duties belonging thereto.

Duty of commissioners exclusive.

Sec. 12. Each member of the board of commissioners shall devote his time and attention to the performance of the public duties to the exclusion of all other occupation, professions, or callings.

Creation of debt forbidden unless by voters.

Sec. 13. That the board of commissioners for the city of Raleigh shall not have power to create or contract any indebtedness for necessary purposes in any amounts which cannot be paid off and discharged out of the current revenues to accrue during the term

of office of said board, unless such authority is authorized by a majority of those voting at an election to be held, submitting such question to the voters of the city of Raleigh, which said election is to be held in the manner provided by this act, referring to the voters the question of repeal of an ordinance. At such election those favoring the contracting of such debt may vote "For Contracting Debt," and those opposing such may vote "Against Contracting Debt." The question of contracting debt may be submitted by the board of commissioners to the qualified voters of the city of Raleigh at a special or a general election, and at such election a box shall be provided in which only the votes for and against the contraction of such debt shall be placed. The election shall be held under rules and regulations to be prescribed by the board of commissioners, except such regulations shall not be in conflict with this act; and the purposes for which said debt is to be contracted shall be declared and made a matter of record by the board of commissioners. Such election and the purposes for which such debt is desired to be contracted shall be advertised by the board of commissioners in some daily newspaper published in the city of Raleigh for at least ten days immediately prior to the holding of such election, and the officers to hold such election shall be appointed and shall act as is provided for other city elections; and the result of the election shall be certified by the election officers to the board of commissioners as is provided for the certification of the result of other elections, and such result shall be entered upon the records of the board of commissioners; and if a majority of those voting favor the contracting of such debt, the said board of commissioners is hereby authorized to contract the same to the amount authorized, or any part thereof.

Manner of election.

Ballots.

Special or general election.

Ballot box.

Rules and regulations for elections.

Purpose of debt declared and recorded.

Advertisement.

Election.

Certificate and record of result.

Majority of vote cast to control result.

Article III.

Health and Sanitation.

Section 1. The board of commissioners are hereby given, within the corporate limits of the city of Raleigh and within the boundaries of Raleigh Township, all the power and authority that is now, or may hereafter be, given by law to the county superintendent of health or county physician, and such further powers and authority as will best preserve the health of the citizens. The board of commissioners is hereby given power to make such rules and regulations, not inconsistent with the Constitution and laws of the State, for the preservation of the health of the inhabitants of the city as to them may seem right and proper. Said board of commissioners may establish and maintain a hospital, or hospitals, or pest-houses, slaughter-houses, rendering plants, incinerators and crematories in the city of Raleigh, or within three miles thereof; may stop, detain, examine, or keep in a pest-house or houses of detention persons having, or suspected of having, any infectious,

Jurisdiction as to health regulations.

Health ordinances.

Hospitals, pest-houses, slaughter-houses, rendering plants, incinerators, and crematories.

Detention of infected persons.

Quarantine. Vaccinate. Removal, fumigation, or destruction of infected property. Expense of disinfection or care. Resistance to or interference with officer a misdemeanor. Health officer and employees.

contagious, or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liability to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other property which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to better preserve the health of the citizens; and all expenses incurred by the city in disinfecting or caring for any person or persons, by authority of this section, may be recovered by it from the person, persons, or property cared for; and when expense is incurred in caring for property, same shall become a lien on said property. That any person who shall attempt by force, or by threat of violence, to prevent his removal, or that of any other person, to the pest-house, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this chapter, shall be guilty of a misdemeanor. Said board of commissioners may elect a health officer and create such other offices and employments as to them may seem right and proper, and fill the same and fix their compensation.

Hospitals and sanatoriums for infectious diseases. Violations of rules or regulations a misdemeanor. Punishment.

Sec. 2. Said board are hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanatoriums which may have for treatment any patient afflicted with any infectious, contagious, or other communicable disease, and prescribe penalties for any violation of same. Any person violating any rule or regulation of said board of commissioners shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Article IV.

public schools.

Establishment, maintenance, and equipment of schools. School committee for township. Power to condemn land for schools. School property and grounds.

Section 1. The board of commissioners shall have power to promote the establishment and maintenance of public schools and educational facilities by the acquisition of land, erection of buildings thereon, and the equipment thereof in the corporate limits of the city; and to elect the members of the school committee for Raleigh Township as provided by law, and to that end the said board shall have the same power and authority to condemn lands and to do and perform any and all other acts to acquire and control school property as is given or may be conferred by law upon said board with reference to acquiring land for streets, or any other public purposes, and may control school property and grounds in like manner as they are empowered to control streets.

Article V.

powers specifically enumerated.

Additional powers.

Section 1. The board of commissioners of the city of Raleigh shall, in addition to the other powers herein given them, have full power:

To pass and enforce ordinances.

(*a*) To make, enact, and pass such ordinances, by-laws, rules and regulations consistent with the laws of the land and necessary for the proper government of the city, with power and authority to provide for the execution of the same by imposition, as punishment for the violation thereof, of fines and imprisonment or by the imposition of penalties and forfeitures; that the fine or imprisonment prescribed for the punishment of a violation of an ordinance shall not exceed a fine of one hundred dollars or imprisonment on the roads not exceeding sixty days, or both, in the discretion of the police justice; that the penalty prescribed for the violation of an ordinance shall not exceed a fine or forfeiture of two hundred dollars, which last penalty shall be civil in its nature, to be recovered in a civil action before the police justice.

Limit of fine and imprisonment.

Limit of penalty.

Penalty recovered by civil action.

Traffic regulations.

(*b*) To regulate the speed of railroad locomotives, trains, electric cars, bicycles, automobiles, motor cars, the driving or riding of horses, and speed of all other vehicles on the streets of the city; regulate the charge for the carriage of persons, baggage, and freight for hire, with power to license or prevent the same.

Transfer charges.

Vagrancy and street begging.

(*c*) To prohibit vagrancy and street begging, impose punishment or penalties on such persons who habitually refuse to follow some useful trade or profession without adequate means of support, whether male or female, above the age of fourteen years.

Forfeiture of franchises.

(*d*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, telegraph, gas, power, or other public-service purposes, whenever the conditions upon which such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered, or forfeited.

Control, tax, and license franchises, privileges, trades, professions, and callings.

(*e*) To regulate, control, tax, and license all franchises, privileges, business, trades, professions, callings, or occupations which are now or may hereafter be taxed by the laws of the State of North Carolina by imposing a franchise, license, or privilege tax upon each and every of the aforesaid mentioned subjects in such amount as the aldermen may deem proper, not to exceed one thousand dollars.

Observance of Sabbath and preservation of peace.

(*f*) To provide for the proper observance of the Sabbath, and for the preservation of peace, order, and tranquility of the city.

Taxes.

(*g*) To assess, levy, and collect taxes.

Trades, occupations and professions.

(*h*) To license, tax, and regulate trades, occupations, and professions.

Opening, altering, closing, and regulating streets and other public property.

(*i*) To open new streets, change, widen, extend, and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and

parks and other public property belonging to the city as it may deem best for the public welfare of the citizens of said city.

Parks.

(*j*) To lay out, establish, and regulate parks within or without corporate limits of the city for the use of the inhabitants of the same.

Condemnation of land for public purposes.

(*k*) To condemn any land that may be required for the purpose of erecting any building or buildings, for city hall, market houses, fire companies, graded and public schools, and for any other public buildings, whether like those enumerated above or not: *Provided*, that the procedure in such condemnation proceedings shall be the same as is herein provided for the condemnation of lands for streets.

Proviso: procedure for condemnation.

Public buildings.

(*l*) To erect, repair, and alter all public buildings.

Money and property for public use.

(*m*) To accept any money or property for the purpose of any public or corporate use.

Animals going at large.

(*n*) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowls of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said board, and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Plumbers and plumbing.

(*o*) To regulate and control plumbers and plumbing work and to enforce efficiency in the same.

Combustible, explosive or dangerous materials.

(*p*) To regulate, control, and prohibit the keeping and management of houses or any building for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas.

Dynamite, other explosives, and fireworks.

(*q*) To license, tax, regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosive or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity, or otherwise.

Noise ordinances.

Collection of persons on streets or sidewalks.

Railroad tracks, turnouts, and switches.

(*r*) To direct, control, and prohibit the laying of railroad tracks, turnouts, and switches in the streets, avenues, and alleys of the city, unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts, and switches shall be so

constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues, and alleys in said city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys, and ditches, sewers, and culverts, where the board of commissioners shall deem it necessary. Street crossings.

(*s*) To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the speed, running and operation of the same so as to prevent injury or inconvenience to the public, and from time to time prescribe reasonable fares and transfers for the carriage of passengers. Street cars. Fares and transfers.

(*t*) To make such rules and regulations as to butchers as they may deem necessary and proper, to establish and erect market houses, and designate, control, and regulate market places and privileges. Butchers and markets.

(*u*) To prohibit and punish the abuse of animals. Abuse.

(*v*) To establish and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages, and births. Cemeteries; burial regulations. Vital statistics.

(*w*) To prohibit prize-fighting, cock and dog fighting. Prize, cock, and dog fighting.

(*x*) To license, tax, regulate, restrict, and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries, musical, and hypnotic exhibitions and performances. Theaters, carnivals, and other shows.

(*y*) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund, and provide for its permanence and increase, and to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for the purpose of such relief. Pension fund for police and firemen.

(*z*) To pass ordinances for the condemnation of property for the purpose of widening, altering, changing, or extending any of the streets of the city and for opening new streets and for the construction and maintenance of drains, sewers, and combination drains and sewers and for any other public purpose provided for in this act. Ordinances for condemnation of property.

(*aa*) To define nuisances and prevent and abate the same, whether on public or private property. Declaration and abatement of nuisances.

(*bb*) To issue bonds of the city only after they have passed an ordinance by a majority vote of the entire board at two separate regular meetings submitting the question of issuing the same to a vote of the people, and after a majority of the qualified registered voters shall have voted in favor thereof. No election for this purpose shall be held until thirty days notice thereof shall have been given by the board of commissioners in some newspaper published in the city of Raleigh. At such election those who Ordinances for bond issues. Notice of election for bond issues. Ballots.

favor creating such debt shall vote "Approved," and those who oppose it shall vote "Not Approved." The board of commissioners, if they deem it proper so to do, may order a new registration of the voters of said city at any and all such elections.

New registration.

Investigation of rates for public utilities.

(*cc*) That upon any reasonable complaint from a responsible party that the rates charged by any public-service corporation are unreasonable, the board of commissioners shall carefully investigate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation, the said board shall enter upon its record an order directing the corporation to charge not exceeding such maximum rates as the board may deem proper. The board shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the record in the entire matter. As soon as practicable after the receipt the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the board of commissioners shall not become effective until approved by the Corporation Commission as aforesaid.

Ordinance regulating rate.

Copy of order to corporation.

Copy of record to corporation commission.

Day for hearing.

Decision by corporation commission.

Right of appeal.

Order not effective until approved.

Appropriation for advertising.

(*dd*) To appropriate annually, in the discretion of the board, not exceeding twenty-five hundred dollars to any association in the city organized for the purpose of advertising or promoting the public interests and general welfare of the city.

Location of hospitals.

(*ee*) To fix the location of hospitals in which contagious, infectious, or other communicable diseases are to be treated.

Dangerous and unwholesome trades.

(*ff*) To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.

General ordinances.

(*gg*) To make and provide for the execution thereof of such ordinances, rules, and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the inhabitants of the city as are not inconsistent with this act and the Constitution and laws of the State.

Election of officers.

(*hh*) To elect all officers and select all employees of the various departments, whose selection is not herein expressly provided for: *Provided, however*, that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of commissioners to the commissioners of the respective departments, subject to the right of the board to review the action of the respective commissioners: *Provided further*,

Proviso: selection delegated to commissioners of departments.

Proviso: compensation of employees.

the compensation of all employees shall be fixed by the board of commissioners, and all fees shall be covered into the treasury. Fees covered into treasury.

(*ii*) To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health, or other property, under such just rules and regulations as they may by ordinance establish, and likewise to suppress any and all other nuisances maintained in the city. Removal of dangerous buildings. Other nuisances.

Sec. 2. That all ordinances, rules, and regulations of the city of Raleigh now enforced, or that may hereafter be enacted by the board of commissioners in the exercise of the police powers given to it for sanitary purposes, or for the protection of the property of the city, unless otherwise provided by the board of commissioners, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of said city limits, within one mile in all directions of same, and to Pullen Park, and to the right of way of all sewer, water, and electric light lines in the city, without the corporate limits, and to the rights of way, without the city limits, of any street railway company, or extension thereof, operating under a franchise granted by the city, and upon all property and rights of way of the city outside the said corporate limits and the above-mentioned territorial limits, wheresoever the same may be located. Extension of application of health, sanitary, and protective ordinances.

Article VI.

Granting of franchises.

Section 1. That no franchise shall be granted by the city of Raleigh until the question has been submitted, at a special or general election, to the qualified voters of the city, and until a majority of those voting upon the proposition have voted in favor of granting such franchise: *Provided*, that in all elections upon the granting of franchises, the person, persons, or corporation applying for same shall deposit with the city treasurer a sum which, in the opinion of the board of commissioners, will be sufficient to defray the expenses of such election: *Provided further*, that no franchise shall be granted for a longer time than fifty years from the date of the granting of such franchise. Every grant of any franchise or right, as hereinbefore provided, shall make provision by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant, and when the grant of any franchise or right is made, the city shall not part with the power to expressly reserve the right and duty at all times to exercise, in the interest of the public, full superintendence, regulation, and control, in respect to all matters connected with the police powers Grant of franchise without election forbidden. Proviso: deposit for expenses. Proviso: term of franchise. Provision for forfeiture. Right of superintendence, regulation, and control.

Ordinance for grant of franchise.

of said city; and before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing a rate, fares, and charges to be made if the grant provide for the charging of a rate, fares, and charges: *Provided*, that this act shall not affect any rights, privileges, and franchises herebefore legally granted by the city to any person, firm, or corporation: and *Provided further*, that any and all rights, privileges, and franchises that have been herebefore, or that may be hereafter, granted to or held by any person, firm, or corporation, in the streets, alleys, sidewalks, public grounds or places in said city, shall be subject to a tax by said city in such amount as the board of commissioners may think to be just, separate from and in addition to the other assets of such person, firm, or corporation, and in addition to a license tax; and the board of commissioners may require the rendition and assessment thereof accordingly.

Proviso: franchises heretofore granted.

Proviso: franchises subject to tax.

Article VII.

The initiative and referendum.

Petition for submission of ordinance.

Section 1. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal to the number provided herein for recall of any official. The signatures, verifications, authentications, inspections, certifications, amendments, and submission of such petition shall be the same as provided for petition for the removal of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of electors and contains a request that the said ordinance be passed or submitted to a vote of the people, if not passed by the board of commissioners, such board shall either—

Action of commissioners.

Passage of ordinance.

(*a*) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or

Submission of proposition to election.

(*b*) After the clerk shall attach to the petition accompanying such ordinance, his certificate of sufficiency, the board of commissioners shall forthwith submit the question to the qualified voters at a special election called for that purpose, or to a general election occurring within ninety days after the date of the clerk's certificate. If the petition is signed by not less than ten and less than twenty-five per cent of the electors, as above defined, then the board of commissioners shall within twenty days pass said ordinance without change, or submit the same at the next general city election. The ballots used when voting upon said ordinance shall contain these words, "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance). If the majority of the qualified electors voting on the proposed ordinance shall vote in

Submission to next general election.

Ballots.

Ordinance receiving majority of vote cast to be valid and binding.

favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose. The board of commissioners may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should any such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city shall cause such ordinance or proposition to be published once in each of the city daily newspapers published in said city; such publications to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

Ordinance adopted by voters not repealed or amended but by vote of people.

Any number of propositions voted on.

Limit of election.

Proposition for repeal submitted at general election.

Ordinance repealed by majority of vote cast.

Publication of ordinance or proposition.

Sec. 2. No ordinance passed by the board of commissioners, unless otherwise expressly provided, except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the board of commissioners, shall go into effect before twenty days from the time of its final passage and publication in the daily papers then published in Raleigh, and if during said twenty days a petition, signed by electors of the said city equal to the number prescribed herein to be signed by a petition for the recall of any official, protesting against the passage of such ordinance, be presented to the board of commissioners, the operation of such ordinance shall thereupon be suspended, and it shall be the duty of the board of commissioners to consider such ordinance, and if the same is not entirely repealed, the board of commissioners shall submit to the qualified voters the question of the repeal of such ordinance at an election to be held for that purpose, in the manner and under the conditions herein provided for reference to voters of the question of recall of an official.

Ordinances effective after twenty days. Emergency measures.

Petition of protest.

Ordinance suspended.

Question of repeal submitted to election.

Article VIII.

Nomination of Candidates.

Section 1. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioners, judge of the municipal court, or any other elective officer are to be elected under the provisions of this act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nomina-

Candidates nominated by primary election.

Names placed on general ballot.

Date for primary election. Election officers.

tions shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practical, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for said general election. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner of either of the other two departments, or judge of the municipal court, or any other elective office, shall, at least ten days prior to said primary election, file with the said clerk a statement of such candidacy, in substantially the following form:

Law governing primary elections.

Statement of candidacy.

Form of statement.

State of North Carolina—County of Wake.

I (.....), being first duly sworn, say that I reside at ..... Street, city of Raleigh, county of Wake, State of North Carolina; that I am a candidate for nomination to the office of (mayor, or commissioner of a particular department, or other office), to be voted upon at the primary election to be held on the ..... Monday of ....., 19.., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

[Signed] .....

Subscribed and sworn to (or affirmed) before me by ..... on this ..... day of ....., 19..

[Signed] .....

Payment of fee.

Publication of names.

And shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five dollars ($5). Immediately upon the expiration of the time for filing the petitions of candidate, the said city clerk shall cause to be published for three successive days in all daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words, "Vote for one." Like provision shall be made for the names of candidates for each other elective office provided by law. The ballots shall be printed upon plain, substantial, white paper, and

Clerk to have ballots printed.

Arrangement of ballots.

Specifications of printing.

shall be headed: "Candidates for nomination for mayor and commissioners of two other departments, and other offices (naming them) of city of Raleigh, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form: Heading. No party designation.

"(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.) Form of ballots.

"Official primary ballot, candidates for nomination for mayor and commissioners, and other offices (naming them), of city of Raleigh, North Carolina, at the primary election.

"For Mayor (names of candidates), (vote for one).

"For Commissioner of the Department of Public Safety (names of candidates), (vote for one).

"For Commissioner of the Department of Public Works (name of candidates), (vote for one).

"For Judge of Municipal Court (names of candidates), (vote for one).

"Official ballot—Attest: (Signature) ..... City Clerk."

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city of Raleigh under such rules as may be prescribed by the board of commissioners, and such challenge shall be passed upon by the judges of election and registrars: *Provided, however,* that the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots, and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the city clerk, upon blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the city clerk, under the supervision and direction of the mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in all daily newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor, and the two candidates receiving the highest number of votes for commissioners for each of the respective departments, the two candidates receiving the highest number of votes for a judge of the municipal court, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates, whose names shall be placed upon the

Distribution of ballots.

Qualified voters.

Challenges.

Proviso: law applicable to challenges.

Count and return of votes.

Canvass of returns.

Publication of result.

Canvass made publicly.

Names placed on ballots for general election.

ballot for mayor, commissioners, judge of the municipal court, and other elective officers at the next succeeding general municipal election.

Article IX.

elections.

Date of general election.

Officers to be elected.

Section 1. There shall, on the first Monday in May, one thousand nine hundred and thirteen, and every two years thereafter, be elected a mayor (who shall also be commissioner of public accounts and finances), a commissioner of the department of public works, a commissioner of the department of public safety, who together shall constitute the board of commissioners of the city of Raleigh, and there shall also, at the same time, be elected a judge of the municipal court, and such other elective officers as may be provided by law.

City clerk to prepare ballots.

Arrangement of ballots.

Sec. 2. The city clerk shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile of his signature. Upon the said ballots the names of the said candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words, "Vote for one"; and likewise, arranged in alphabetical order, shall appear the names of the candidates for judge of the municipal court, with a square at the left of each name, and immediately below the words, "Vote for one"; and likewise, arranged in alphabetical order, shall appear the names of the candidates for such other elective offices as may be provided by law.

Specifications for printing. Heading.

The ballots shall be printed upon plain, substantial, white paper, and shall be headed: "Candidates for election for mayor, and commissioners of the two departments, and for judge of the municipal court of the city of Raleigh, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Form of ballots.

"(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

"Official municipal ballot, candidates for mayor and commissioners and judge of the municipal court of the city of Raleigh, North Carolina, at the municipal election.

"For Mayor (names of candidates), (vote for one).

"For Commissioner of the Department of Public Safety (names of candidates), (vote for one).

"For Commissioner of the Department of Public Works (names of candidates), (vote for one).

"For Judge of Municipal Court (names of condidates), (vote for one).

"Official ballot—Attest: (Signature) .....City Clerk."

Qualified voters. Sec. 3. That all persons entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding section, and who have been residents of the city and precinct in which they offer to vote for four months next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor, two commissioners, judge of the municipal court, and other elective officers; and no one except a resident of the city shall be eligible to any office in the corporation.

Eligibility for office.

Law for testing qualification of voters. Sec. 4. That the provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election, for testing the qualification and right of any person to vote, shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby invested with full and ample judicial power to pass upon and decide said qualifications.

Precincts. Sec. 5. That the board of commissioners shall divide the city into two precincts, which number may be increased at any time the board may in its discretion deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in each precinct a polling place as nearly centrally located in the precinct as possible. If any registered voter shall remove from one precinct to another within the four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved.

Boundaries.

Polling place.

Removal from precinct.

Appointment of election officers. Sec. 6. That the board of commissioners shall on the first Monday in March, one thousand nine hundred and fifteen, and every two years thereafter, appoint a registrar and two judges of election for each precinct in the city, all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the courthouse door, and notice to be served upon such appointees by the chief of police, and shall give ten days notice of a registration of voters for the said election at the courthouse door, specifying the time, place, and name of registrars for said election.

Publication and notice of appointment.

Notice of registration.

Registration books. Sec. 7. That each registrar shall be furnished by said board of commissioners with registration books, and it shall be his duty, after being qualified, to perform the functions of his office fairly, impartially, and according to law; to revise the existing registration books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct and still residing therein, and entitled to vote without requiring such electors to be registered anew; and such registrar shall also, between the hours of seven

Revision of books.

Time for registration.

o'clock A. M. and sunset (Sunday excepted), from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing in such city and entitled to registration, whose names do not appear in the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said city. Each registrar shall be required to be at the polling place for his precinct on Saturdays from seven A. M. until sunset during the period for registration. He shall keep the names of white voters separate and apart from those of the colored voters, and any person offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina two years, in Wake County six months, and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city. If any person willfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail. But the board of commissioners, on fifteen days notice by publication in some newspaper of said city before the opening of the books, may order an entirely new registration of voters whenever they may deem it proper. The registration books shall be closed at sundown on the second Saturday before the election, and after the same are closed no person shall be allowed to register, except those coming of age after the books close and before or on election day, who are otherwise qualified electors of the city; and the books shall then be placed in the office of the city clerk, and may be inspected by any person so desiring, and the clerk shall mark the day on which they were received by him, and they shall not be taken from his custody until the day of election. Any registrar failing to deposit his registration book with the clerk, at the time prescribed, shall receive no compensation for making said registration, and shall be guilty of a misdemeanor.

Registration.

Registration on Saturdays.

Segregation by races.
Registration oath.

False swearing a misdemeanor.

Punishment.

New registration.

Close of registration books.

Registration after close of books.

Return of books.

Books open for inspection.

Punishment for failure to deposit books.

Sec. 8. That after being duly sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law, the registrars and the judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of election, and all questions of voting, superintend and conduct the election for municipal offices in like manner and during the same hours as elections for members of the General Assembly are conducted. The polls shall be open on the day of election from seven A. M. until sunset, and no longer.

Conduct of election.

Law governing election.

Hours of voting.

Sec. 9. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the board of commissioners, but the pay of the registrars shall not

Pay of registrars and judges.

Limit of amount.

exceed two dollars ($2) each day for the Saturdays they are required to be at the polls and the day of election, and two cents additional for each new name registered, and the judges of election shall not be paid more than two dollars ($2) each a day for their services: *Provided*, the board of commissioners may allow the registrars and judges compensation, not exceeding one day's pay, as they may deem proper, for attendance of the election officers upon the meeting of the board of canvassers. Proviso: pay for attendance on board of canvassers.

Sec. 10. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him after being duly sworn, or if a vacancy should occur in said office, for any reason, then the mayor shall appoint to fill the vacancy. Appointments by mayor. Vacancies.

Sec. 11. That on the day following the day of election all of the registrars and poll-holders of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and such person as shall receive the highest number of votes for mayor shall be declared elected mayor, and such persons as shall receive the highest number of votes for each of the positions of commissioner shall be declared elected commissioner of the respective departments, and such person as shall receive the highest number of votes for judge of the municipal court shall be declared elected judge of the municipal court, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be given to the mayor, and the other filed in the archives of the city clerk, who the same day shall publish the result of the election at the door of the city hall. Canvassing board. Organization of board. Canvass of returns. Persons declared elected. Certificates of result. Filing and publication of certificates.

Sec. 12. If of the persons voted for as mayor, commissioners of the respective departments, judge of the municipal court, or any other elective office, there shall be an equal number of votes between any two candidates for like office in the municipal election in the city of Raleigh, in such case there shall be held on the following Monday an election in accordance with the provisions herein provided for holding municipal elections for the city of Raleigh. If of the persons voted for as mayor, commissioners of any department, judge of the municipal court, or any other elective Election to break ties. Primary election to break ties.

officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination of candidates, in accordance with the provisions for holding primaries for the nomination of candidates in the city of Raleigh, to break the tie.

Forfeit for failure of duty by commissioners.

Sec. 13. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city and of him who shall sue therefor, one hundred dollars.

Board of commissioners to fill vacancies.

Sec. 14. That if any person elected mayor, commissioner, judge of the municipal court, or any other elective officer, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or any commissioner, judge of the municipal court, or any other elective officer, be unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term, or during his disability, as the case may be, to act as mayor, commissioner, judge of the municipal court, or other elective officer, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Subject to recall.

Special elections.

Sec. 15. The board of commissioners shall have power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, or unless expressly provided to the contrary. That all special elections shall be held under the same rules and conditions as are herein provided in this act for general elections.

Notice of special election.

Law governing elections.

Challenge of voters.

Sec. 16. Any registered voter of the said city may at any time, before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct, and the book shall be kept open at the polling place on the second Saturday before every election for inspection by the voters of the precinct. When a person is challenged the registrar shall enter upon his books, opposite the name of the person objected to, the word "Challenged," and the person so challenged shall not be allowed to vote until the cause of challenge shall be heard and determined under the rules and regulations prescribed by the general law regulating the election for members of the General Assembly. As soon as any person is challenged, the registrar shall give notice in person or by mail of the same to the person so challenged. All challenges shall be heard and determined on the day of election by the registrar and judges.

Challenge entered on book.

Notice to person challenged.

Determination of challenges.

Sec. 17. That the mayor, and commissioners, judge of the municipal court, and all other elective officers shall hold their offices respectively until the next ensuing election, and until their respective successors shall be elected and qualified. Terms of office.

Sec. 18. That all duties herein imposed upon the mayor and board of commissioners with reference to primaries and elections shall, prior to the election and qualification of mayor and commissioners in one thousand nine hundred and thirteen, be performed by the mayor and board of aldermen of the city of Raleigh as now constituted. Duties performed by mayor and aldermen.

Sec. 19. In the case of the removal of the mayor, any commissioner, judge of the municipal court, or any elective officer, from the territorial limits of said city, such removal shall, *ipso facto*, create a vacancy in his office. Removal of officer from city to create vacancy.

Article X.

to prohibit bribery.

Section 1. Any person giving or receiving, or any person promising to give or receive any money, property, or thing of value to secure the vote or influence of any person in any primary or general election, and any person promising to give or secure, or promising to use his influence to secure, any place or position under the city government of Raleigh, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the city government of Raleigh, shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above prescribed shall upon conviction be ineligible to hold any office under the government of the city of Raleigh. Giving, receiving, or promising to give or receive anything of value for vote or influence forbidden. Promising place or influence to secure place forbidden. Misdemeanor. Punishment. Candidate guilty of bribery ineligible.

Sec. 2. Every candidate in the city election, a city primary, or both, shall within ten days from the election file with the city clerk an itemized statement, under oath, showing all expenditures of money or other thing of value made by him, or by any one for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. Candidates to file sworn itemized statement of expenses. Failure a misdemeanor. Punishment.

Article XI.

recall of officials by the people.

Section 1. The holder of any elective office, except judge of the municipal court, may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in Holder of elective office except judge subject to removal. Procedure for removal. Petition for election of successor filed with clerk.

number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petitiou need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine, and from the voter's register ascertain whether or not said petitiou is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the saue effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay. If the petition shall be found to be sufficient, the board of commissioners shall order and fix a date for holding a primary, as provided for in cases preceding regular elections, the said primary to be held not less than ten days nor more than twenty days from the date of the clerk's certificate to the board of commissioners that a sufficient petition is filed. If iu the primary election any candidate receives a majority of all the votes cast, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary, and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates named shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions, and regulations as are prescribed for the primaries preceding regular election. The board of commissioners shall make, or cause to be made, publication for ten days of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his prede-

Signers to add place of residence.

Oath as to petition.

Clerk to examine petition.

Certificate of result of examination.

Amendment of petition.

Examination of amended petition.

Insufficient petition returned without prejudice.

Petition submitted to commission.

Order for primary.

Candidate receiving majority vote declared elected.

Election if no candidate receives majority vote.

Law governing primary and election.

Notice of election.

Successor to hold office for unexpired term.

cessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall be filled by election of the board, but the commissioner removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other commissioners. If the incumbent receives a majority of votes in the primary or the election he shall continue in office. The said method of removal shall be cumulative and additional to any other method provided by law. That in the event any officer is recalled and any person is elected as his successor, that the right of recall of such successor so elected shall be as in case of officer originally elected.

Candidacy of person whose removal is sought.
Incumbent removed if not re-elected.
Vacancy filled by board of commissioners.
Commissioner removed not eligible.
Person elected subject to recall.
Incumbent receiving majority to continue in office.
Method of removal cumulative.
Person elected subject to recall.

Article XII.

salaries.

Section 1. The mayor and commissioners shall have offices at the city hall. The compensation of the mayor shall be three thousand dollars ($3,000) per annum, and that of each commissioner three thousand dollars ($3,000) per annum, payable in equal monthly payments. Every other officer, agent, employee, and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at nonpayment intervals.

Offices.
Compensation of mayor.
Of commissioners.
Of other officers and employees.

Article XIII.

meetings.

Section 1. Regular meetings of the board of commissioners shall be held daily, except Sundays, at such time as the board shall by ordinance provide, and special meetings may be called at any time by the mayor or two commissioners. All meetings of the board of commissioners, regular or special, shall be open to the public. Two members of the board of commissioners shall constitute a quorum, and the mayor shall be entitled to a vote as a commissioner, and shall not be entitled to another vote in case of a tie.

Regular meetings daily.
Special meetings.
Meetings open to public.
Quorum.
Mayor entitled to vote.

Sec. 2. At the first meeting of the board of commissioners, after the regular election of the members thereof, they shall elect a mayor *pro tem.* from among their members, who shall, in the absence or inability of the mayor to serve, perform the duties of mayor.

Mayor pro tem.

Election of other officers.

City treasurer.

City attorney and city clerk. Terms at will of board.

Forfeiture by commissioners for failure to attend meetings.

Estimate of revenue.

Apportionment.

Emergency fund.

Surplus of reserve fund.

Details of budget.

Heads of departments to submit estimates.

Proviso: change of apportionment.

Proviso: surplus to general fund.

Itemized reports filed quarterly.

Duties of city clerk.

Sec. 3. That at their first meeting after their election, or as soon thereafter as is practicable, the board of commissioners shall elect, by ballot, the following officers, to wit: A city treasurer, who shall be one of the commissioners other than the mayor, and who shall serve without further remuneration; a city attorney, and a city clerk, who shall hold their respective offices at the will of the board.

Sec. 4. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or a special meeting of which he shall have had notice, as prescribed in this act, he shall, unless excused by the board, forfeit and pay for the use of the city the sum of five dollars ($5), which forfeiture shall be enforced by the mayor.

Sec. 5. The said board of commissioners shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city for the next fiscal year, and apportion the same, together with any surplus left over to the general fund from the preceding year, as herein provided, to the several departments of the city government, reserving from said estimate not more than ten per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpended portion of said reserved fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the said board shall deem advisable; and in order to enable the said board to properly make the apportionment hereinbefore required, the head of each department of the city shall, at least ten days before said apportionment is made, furnish in writing to said board estimates in detail of the amounts needed for their respective departments, which estimates shall be considered by the board of commissioners in determining the amount apportioned to each department of the city: *Provided*, that any apportionment made by said board of commissioners to any department of the city may at any time be increased or reduced, or may be diverted from one department to another by a majority vote of all the members of the board: and *Provided further*, that if at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds of the city, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each quarter during the fiscal year each of the heads of the various departments of the city shall file with the board of commissioners an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid.

Sec. 6. It shall be the duty of the city clerk to attend each meeting of the board of commissioners, and to keep the minutes and records of all the proceedings of said board in well-bound books

provided for that purpose, and to preserve all books, papers, and writings of all kinds committed to his care during his continuance in office, and deliver them to his successor; and to account for and pay over all moneys which may come into his hands by virtue of his office; to keep the corporate seal of the city and to affix same when lawfully directed so to do; to act as clerk of the municipal court, and shall perform such other duties as may be required of him by this act or by the board of commissioners. Clerk of municipal court. Other duties.

Sec. 7. The city treasurer shall give bond in some bonding company, in such sum and form and with such conditions as may be required by the board of commissioners. The amount of said bond shall not be less than ten thousand dollars ($10,000), and the same to be approved by the board of commissioners, said bond to be paid for out of the regular expense funds of the city. It shall be his duty to call on all persons having in their hands any moneys or securities belonging to the city which ought to be paid and delivered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants, signed by the mayor and countersigned by some other person to be designated by the board of commissioners. All moneys belonging to said city and received by any officer or agent thereof, from any source whatsoever, shall, unless otherwise herein directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep, in books provided for that purpose, a full and correct account of all moneys received and disbursed by him, and shall render a statement of his receipts and disbursements to the board of commissioners at the first of each month, and at such other time as may be required of him by said board. Said board of commissioners shall have the right to require of the treasurer a new bond whenever, in their opinion, the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved in the manner aforesaid. The said board of commissioners may, in their discretion, select one or more banks in the county of Wake as depository banks for the city of Raleigh, and should such bank or banks be so selected as above provided, it shall then be the duty of said treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to his credit as treasurer in one or more of said banks, and such depository bank or banks, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of said city interest at a rate to be fixed by said board of commissioners, which said interest shall be payable at the end of each month, and shall be based on the daily average balances for the month: *Provided*, the rate of interest to be paid by said bank may at any time be changed by the board of commissioners. The said bank or banks may, in the discretion Bond of city treasurer. Warrants. Moneys turned over to treasurer. Books and accounts. Monthly statements. Renewal of bond. Depository banks. Daily deposits. Bond of depository for interest. Interest on deposits. Bond for safekeeping of deposits.

of the board, be required also to execute a good and sufficient bond, with sureties to be approved by the said board of commissioners, and conditioned that such bank or banks will safely keep and account for and pay over said money on demand and as ordered by the board of commissioners. All interest paid by any such bank upon such balance shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general funds of said city, subject to its use for any legitimate or municipal purpose. That whenever required by this charter or by the board of commissioners, said treasurer shall keep the funds and the accounts thereof of the different departments of the city separate. Said treasurer shall do and perform such other acts as said board of commissioners may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his successor in office all the moneys, securities, and other property which are, or ought to be, in his hands by virtue of his office.

Interest collected and reported by treasurer.

Part of general fund.

Funds kept separate.

Other duties on order of commissioners.

Settlement with successor.

Power and authority of tax collector.

Fines and penalties.

Duty to collect taxes.

Charged with sums on tax list.

Penalty for detention of funds.

Credits.

Debits.

Report, audit, and settlement of accounts.

Record of settlement.

Duties of city attorney.

Sec. 8. The commissioner of public accounts and finances of said city, in the collection of taxes, shall be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the board of commissioners, and he shall be charged with the same appearing on the tax list as due for city taxes. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per cent per month to be paid to the city upon all sums so unlawfully retained. In the settlement with the commissioner of public accounts and finances he shall be credited with all poll taxes or personal property which the board of commissioners shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the board, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided. After the accounts of said commissioner shall be audited and settled, the same shall be reported to the board of commissioners and, when approved by them, the same shall be recorded in the minute-book of said board, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Sec. 9. That it shall be the duty of the city attorney to prosecute and defend all suits for and against the city, to advise the mayor, board of commissioners, and all other commissioners, officers, agents, and departments of the city in regard to matters connected with the city's business, and it shall be his duty, when required so to do, to attend the meetings of the board of commissioners, and to prepare such deeds, contracts, bonds, and other legal papers as may be required for the city's business.

Sec. 10. The chief of police, acting under the commissioner of public safety, shall have the supervision and control of the police force, and it shall be his duty to report to the commissioner of public safety any failure of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of penalties, fees, and costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced and to do all such things as may be required of him by the board of commissioners or by the commissioner of public safety. He shall report any violation of law or the ordinances of the city to the judge of the municipal court. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city; such power and authority to be exercised by them, not only in the corporate limits, but within Raleigh Township, or on any rights of way, easements, or property of the city without the corporate limits thereof, and on the right of way of any street railway or extension thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes, and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service.

Supervision and control of police force.

Reports for failure of duty.

Monthly settlements.

Enforcement of laws and ordinances.

Reports to police justice.

Powers of sheriffs and constables.

Extent of jurisdiction.

Execution of process.

Bail for appearance.

Collection and settlement of fees.

Sec. 11. The board of commissioners of the city of Raleigh shall make rules and regulations for the government and direction of the police of the city. In times of exigency the commissioner of public safety may appoint, temporarily, such additional policemen as may be necessary, who shall take the same oath and be vested with the powers and subject to the same control as regular policemen. The board of commissioners of said city shall require the entire police force to wear badges, and to be so armed and uniformed as to be readily recognized by the public as peace officers: *Provided*, that the commissioner of public safety, when he deems it necessary, may authorize such officer to be on duty in plain clothes. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

Government and direction of police.

Emergency appointments.

Badges, arms, and uniforms.

Proviso: duty in plain clothes.

General powers.

Commitments to county jail.

Sec. 12. The keeper of the common jail of the county of Wake is hereby required to receive into the common jail of said county, without a mittimus, any person taken up in the night-time by police force, and to keep such person safely until the following morning, when such offender shall be brought out for trial, and for such services the jailer shall be entitled to have such fees as are allowed him by law in like cases: *Provided*, the city may provide and use a prison or calaboose for the confinement of prisoners as provided by law.

Jail fees.

Proviso: city prison.

Policemen to be sworn.

Sec. 13. That the chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oath shall be filed with the mayor and entered in the book with the oaths of the board of commissioners and other officers of the city.

Article XIV.

Taxes.

Taxing power.

Section 1. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the city, the board of commissioners of the city of Raleigh shall have the power, and they are hereby authorized, to levy and collect, for general purposes, an annual *ad valorem* tax on all real and personal property within the corporate limits of said city, and on all personal property, including money on hand and solvent credits owned by residents of said city, and on all other property subject to an *ad valorem* tax under the laws of the State of North Carolina, not exempt from taxation by the Constitution and laws of the said State, of and at the rate of not exceeding one dollar on the one hundred dollars valuation of said property; and for the purpose of paying interest on municipal bonds said board shall levy and collect an annual *ad valorem* tax on all property subject to taxation, as hereinbefore provided, of not more than fifty cents on the one hundred dollars valuation of said property. The term "real property," as used in this act, shall be construed to mean the same as defined in section two thousand eight hundred and fifty-seven of the Revisal of one thousand nine hundred and five, and the term "personal property," as used in this act, shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September the first of each year, and a discount may be allowed by the board of commissioners for the payment of taxes, as follows: For the payment of all taxes during the said month of September, two per cent; during the month of October, one per cent; and during the month of November, one-half of one per cent. And for all

Subjects of taxation.

Limit of tax rate.

Tax for interest on bonds.

Terms defined.

When tax due.

Discount for prompt payment.

taxes not paid prior to January the first following, the said board shall charge the following penalties, to wit: For taxes paid during the said month of January, a penalty of one per cent; during the month of February, of two per cent; and for each additional month, or fraction thereof, thereafter said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes. Penalty for delayed payment.

Sec. 2. Said board may also levy and collect for general (and school purposes) a poll tax not exceeding one dollar and eighty cents, and for the purpose of paying interest on the municipal bonds of said city a poll tax not exceeding one dollar and twenty cents, said poll tax to be levied on the taxable polls of all male persons who may be residents of the city on the first day of May of each year. Poll tax for general fund. Poll tax for interest on bonds.

Sec. 3. That upon all dogs kept in the city, and which may be so kept on the first day of June of each year, said board may levy a tax not exceeding five dollars and any dogs so taxed shall be the subject of larceny: *Provided*, that a discrimination within the limit above fixed may be made by said board on the different species and sexes of dogs. Dog tax. Proviso: discrimination of sex and species.

Sec. 4. Said board of commissioners of the city of Raleigh shall have the power to provide all ordinances for and prompt collection of all taxes. That if all of such taxes are not paid on or before the first day of February next following the listing of said taxes, the commissioner of public accounts and finances shall proceed to collect such taxes and penalties by distress and sale as provided by law: *Provided*, the time for listing property for taxation shall be during the month of June of each year. Ordinances for collection of taxes. Collection by distress and sale. Proviso: time for listing tax.

Sec. 5. Said board of commissioners shall provide by an ordinance or otherwise means for the collection of taxes in said city, and shall cause property to be listed for taxation which has not otherwise been listed as required by law; but the collection of taxes for city purposes shall be upon the basis of assessment for county and State purposes. Collection and listing. Basis of assessment.

Sec. 6. That the board of commissioners of the city of Raleigh shall require of the mayor, who is also the tax collector of said city, a good and sufficient bond in a sum not less than ten thousand dollars to protect the city against loss; and may require of any and all officers and employees such bonds as they may deem necessary, and may pay the expenses of providing such bonds, as also of the bond of the mayor. Bond of tax collector. Bonds of other officers and employees.

Sec. 7. That the commissioner of public accounts and finances shall, after the most diligent inquiry, and by comparing his book with the county tax books, make out a list of all persons liable for poll tax, or for taxes on property, who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all the property not listed, and shall enter such per- Delinquent lists. Double tax.

sons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double tax except on application to the board of commissioners and for cause shown.

Excused by commissioners for cause.

Failure to list a misdemeanor.

Sec. 8. That all persons who are liable for poll tax to said city, and who shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the commissioner of public accounts and finances of said city to prosecute offenders against this section.

Punishment.

Commissioner to prosecute.

Commissioners to revise lists and levy taxes.

Sec. 9. That as soon as the commissioner of public accounts and finances shall have furnished the assessment roll as provided, and the same shall have been revised by the board (if such revision is deemed necessary), the board of commissioners shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax lists in the hands of the said commissioner of public accounts and finances for collection.

Lien on real estate for taxes.

Sec. 10. The lien for taxes levied for any and all purposes in each year shall attach to all the real estate of the taxpayers within the city on the first day of May annually, and shall continue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien for taxes on the personal property of the taxpayer but from a levy thereon.

Lien on personal property.

License taxes.

Sec. 11. That in addition to the subjects listed for taxation, the said board of commissioners, for the purpose of raising revenue, may levy an annual license tax on the following subjects, the amount of which taxes shall be collected by the commissioner of public accounts and finances, and if not paid when due, the same may be recovered by suit brought in the name of the city, or the articles upon which the tax is imposed or any other property of the licensee may be forthwith distrained and sold to satisfy said tax, namely:

Itinerant merchants and peddlers.

(*a*) Upon all itinerant merchants or peddlers vending or offering to vend in the city, a license tax not exceeding one hundred and fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured; and not more than one person shall peddle under a single license: *Provided*, that such itinerant merchants or peddlers shall comply with such rules and regulations as the board of commissioners may make in respect to the time, places, and manner of vending under such licenses.

Exceptions.

Proviso: compliance with law.

Tables for games.

(*b*) Upon every billiard table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand, or place for any other game or play, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used

or connected with a hotel or restaurant, a license tax not exceeding one hundred dollars a year for each table, or alley, or other subject therein mentioned.

Retail liquor license.

(*e*) Upon every permission of the board of commissioners to retail spirituous, vinous, malt, or intoxicating liquors of any kind, a license tax of one thousand two hundred dollars, and upon wholesale dealers in spirituous, vinous, or malt liquors, a license tax of not less than two hundred dollars and not more than five hundred dollars.

Wholesale liquor dealers.

Hotels, boarding-houses, restaurants, and eating-houses.

(*d*) Upon every hotel a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant and eating-house, a license tax not exceeding fifty dollars; and the board of commissioners may levy the license tax provided for in this subsection according to the size, patronage, or income of the hotels, boarding-houses, restaurants, and eating-houses.

Circus.

(*e*) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the city, or in one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition; and upon every side-show connected therewith, a license tax not exceeding twenty dollars, the tax to be paid before exhibition, and, if not, to be doubled.

Side-shows.

Stage plays and other shows.

(*f*) Upon every company or person exhibiting in the city, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding fifty dollars for every three hours allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be doubled.

Artificial curiosities.

(*g*) Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the city, or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be doubled.

Other shows or exhibitions, concerts, and strolling musicians.

(*h*) Upon each show, or exhibition of any other kind, and on each concert for reward (unless religious or beneficial purposes) in the city, or within one mile thereof, and on every strolling musician, a tax not exceeding fifty dollars, to be paid before exhibition, or the same shall be doubled: *Provided, however*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed.

Proviso: shows in regularly licensed halls or opera houses.

Dogs.

(*i*) Upon every dog which may be brought into the city after the first of June, to be kept therein, a tax not exceeding five dollars for the permission to keep such dog in the city, which permission shall not extend further than the last of May next ensuing.

Auctioneers.

(*j*) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding one hundred dollars a year.

Stock and bond brokers, sewing machine and musical instrument agents, stables and stock-yards.

(*k*) Upon every stock and bond broker, sewing machine company, or agent for such company, dealer in or manufacturer's

agent of musical instruments, keeper of sales stables, livery stables, or stock-yards doing business in the city, a license tax not exceeding two hundred and fifty dollars a year.

Bill-posters.

(*l*) Upon every person engaged in the business of posting, distributing, or tacking up bills, posters, signs, or advertisements of any kind, a license tax not exceeding fifty dollars.

Building and loan associations, oil agency, and shooting gallery.

(*m*) Upon every building and loan association, oil agency, or shooting gallery, a license tax not exceeding twenty dollars.

Hucksters, photographers, merchandise brokers, ice, wood, and coal dealers, insurance agents and skating rinks.

(*n*) Upon every street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance agent or agency, and every skating rink, a lience tax not exceeding ten dollars a year.

Public-service companies.

(*o*) Upon every telephone or electric light company, power company, street railway company, waterworks company furnishing water to the city or citizens, a license tax not exceeding one hundred dollars per annum.

Marble yards, undertakers, plumbers, and pipe-fitters.

(*p*) That each marble yard, undertaker, plumber, or persons putting gas or water fixtures in houses or yards, a license tax not exceeding ten dollars.

Miscellaneous trades and articles.

(*q*) Each barber shop, rope walker, itinerant dealer in lightning rods and stoves, every dealer in fertilizer, practicing physician, dentist or surgeon, optician, oculist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics; carriage, buggy, or wagon agent, or any person offering vehicles for sale as a business; each architect or builder, cigar manufactory, tobacco factory, or tobacco warehouse; each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, person selling jewelry or any other article having a prize given therewith, each printing office, each dealer in patent rights, and every lawyer or firm, a license tax of ten dollars.

Distilleries, bottling establishments, and opera houses.

(*r*) Upon each distillery of fruit or grain, and each distiller or compounder of spirituous liquors, and upon every beer bottling establishment, and every opera house or hall used for theatrical, musical, or other entertainments of like kind, a license tax not exceeding one hundred dollars.

Banks, junk-shops, mills, factories, machine shops, and foundries.

(*s*) Upon every bank or banker, each junk-shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, a license tax not exceeding fifty dollars a year.

Commission merchants and commercial brokers.

(*t*) Upon all commission merchants and commercial brokers, a license tax not exceeding ten dollars a year.

Vehicles used in transfer business.

(*u*) Upon every omnibus, hack, cab, carriage, dray, baggage wagon, used to transport persons, baggage, freight, or other articles for hire, a license tax not exceeding twenty dollars.

Moving-picture shows.

(*v*) On moving-picture shows a license tax not exceeding fifty dollars.

(*w*) On moving-picture shows in connection with vaudeville acts or on vaudeville shows alone, a license tax not exceeding one hundred dollars. Moving pictures and vaudeville.

(*x*) On skating rinks, a license tax not exceeding fifty dollars. Skating rinks.

(*y*) On every person or firm or corporation selling "near-beer," or any kind of soft drinks, under whatever name, containing one-half per cent of alcohol or more, but not in sufficient quantities to intoxicate, a license tax not exceeding five hundred dollars. Dealers in soft drinks.

(*z*) On every business, profession, trade, or vocation of any kind carried on in the city of Raleigh not hereinbefore enumerated, a license tax not exceeding one thousand dollars. Business, profession, trade, or vocation not enumerated.

Sec. 12. That the license year shall begin on the first day of June of each and every year. License year.

Sec. 13. That the board of commissioners shall have the power to graduate any of the license taxes permitted in this charter, by dividing the business into classes according to size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class. Graduation of tax. Proviso: tax uniform as to class.

Sec. 14. That in addition to the subjects enumerated in the foregoing, the said board of commissioners of the city of Raleigh shall, for the purpose of raising revenue, have power to tax all persons, firms, or corporations, and all subjects of taxation which under the Constitution and laws of the State of North Carolina are taxable by the General Assembly for State and county purposes: *Provided*, such tax shall not exceed one-half of that levied annually on like subjects by the State and county for State and county purposes. Other subjects of taxation. Proviso: limit of tax.

Sec. 15. That the board of commissioners may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper. Licenses kept posted.

Sec. 16. That the board of commissioners of the city of Raleigh shall have the power to license, tax, regulate, restrict, prohibit, and revoke any license, after being issued, on the following businesses, viz.: For running billiard tables, bowling alleys or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made, for pawnbroker, or for selling "near-beer," cider, or any other soft drink, of whatever name, containing one-half of one per cent or more of alcohol, but not in sufficient quantities to produce intoxication. Before issuing license as above, said board may require bonds from all applicants, conditioned as the board of commissioners may determine, with such sureties as the said board may approve. Power of restriction, regulation, and revocation. Tables for games. Pawnbrokers and dealers in soft drinks. Bonds on licenses.

Sec. 17. Said board may regulate and license plumbers and those engaged in the electrical wiring of buildings for light, power, or heat; and before issuing a license, may require the applicant to be examined and to give bond in such sum and upon such conditions as the board of commissioners may determine, and with such Examination and bond of electricians and plumbers.

Power to revoke license.

sureties as it may approve; and said board may, for incompetency on the part of such licensee, or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder.

Doing business without license forbidden.

Sec. 18. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said board.

License for one year not transferable.

Sec. 19. That no license issued hereunder by said board shall be for more than one year, and same shall not be transferable or assignable except by the permission of the board of commissioners.

Doing business without license a misdemeanor.

Sec. 20. Any person carrying on or practicing any business, profession, trade, or vocation of any kind upon which a license tax has been levied, without first having obtained a license therefor,

Punishment.

shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than fifty dollars or imprisoned not more than thirty days.

Tax paid before issue of license.

Sec. 21. That no license tax shall be issued, as herein provided, before the license tax shall have been paid.

Article XV.

streets.

Procedure for assessing land condemned.

Section 1. That when any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already opened, or other objects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the board of commissioners, the same may be condemned and taken by the board of commissioners at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the board of commissioners and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them fail or refuse to choose a freeholder, as above provided, for five days after being notified so to do, then it shall be the duty of the board of commissioners to appoint a disinterested freeholder to act on the part of said owner or owners; and in making said valuation, said freeholders, after giving the owner or owners or their agent notice, or giving ten days notice in a newspaper published in the city, in case such owner cannot be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also such benefit or advantage such owner may receive from the opening, widening, or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the board of commissioners, under their hands and seals,

Effect of judgment.

which report, on being confirmed by the board and spread upon

their minutes, shall have the effect of a judgment against the city of Raleigh, and shall pass the title to the city of Raleigh of the land so taken, and the land may at once be taken and used by the city for the purpose intended: *Provided*, that if either the owner or owners whose land is taken under this paragraph, or the board of commissioners, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: *Provided, however*, that such appeal shall not hinder or delay the board of commissioners in opening, widening, or changing such street or making such improvement.

Title vested in city.

Proviso: right of appeal.

Proviso: appeal not to delay action.

Sec. 2. That the board of commissioners of the city of Raleigh shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of said city, and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit, and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate and control the use thereof by persons, animals, and vehicles; to prevent, abate, and remove obstructions, encroachments, pollution, or litter therein, and shall have under their government, management, and control all parks and squares within or without the city limits established by the board of commissioners for the use of the city.

Street improvements.

Lighting parks.

Street regulations.

Street cleaning.

Parks and squares.

Sec. 3. That every owner of a lot on a street, if so ordered by the board of commissioners, shall pave or repair in such manner as the board of commissioners may direct, such sidewalk as far as it may extend along such lot; and shall also, if so directed by the board of commissioners, macadamize, pave, or otherwise improve one-fourth of the street adjoining with such materials and in such a manner as may be required by the board of commissioners; and all work done under this section shall be done under the strict supervision of the commissioner of public works; and on the failure to do as directed within twenty days after notice by the said commissioner, or of the chief of police, to said owner, or, if he be a nonresident of the county of Wake, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the said commissioners, for ten days in some newspaper published in Raleigh, calling on the owner to make such repairs, the board of commissioners or the commissioner of public works may cause the same to be repaired or improved as directed by the board, and the expense shall be paid by the person in default; and expense shall be a lien upon said lot, and if not paid within two months after completion of the work, such lot may be sold, or enough of the same, to pay such expenses and costs, by the commissioner of public works or commissioner of public accounts and finances of said city, under the

Street and sidewalk paving charged on lands.

Supervision of work.

Work done by city on default of owner.

Lien for expense.

Sale of lot for expense.

same rules, regulations, and restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes: *Provided, however*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed, to the owner, have all the work provided for herein done by the city forces or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be lien as herein provided, and collectible as provided above: *Provided further*, that if the property-owner should so elect, and give notice of the fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which the said work is done up to the time when the same shall be due and collectible, which said date shall be the date on which the taxes are due and collectible; and in case of the failure or neglect of any property-owner to pay said installment when the same shall be due and collectible, then in that event all of said installment shall at once become due; said property shall be sold as hereinbefore provided, and said installments, interest, and cost be paid, and surplus, if any, paid to the owner: *Provided further*, that whenever the city has had any of the said work done, it shall give the owner of said abutting property ten days notice of the amount charged against his said property, and if the said owner is dissatisfied with the amount of the said charge he may give notice to the board of commissioners within ten days aforesaid that he takes an appeal to the next term of the Superior Court of Wake County, and shall, within five days thereafter, serve statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions at law; and the said owner may in like time and manner appeal from any order or act of the board of commissioners made or done under this section, but said appeal shall not delay or stop the said improvements.

Proviso: option in city to do work.

Proviso: assessment payable in installments.

Interest on installments.

Total due in default of payment.

Collection by sale of property.

Proviso: right of appeal from amount.

Trial on appeal.

Appeal from action of commissioners.

Appeal not to delay work.

Sec. 4. That the board of commissioners of the city of Raleigh shall have power to prohibit cellars or entrances to cellars under the sidewalks of said city, or any obstructions upon the streets or sidewalks thereof.

Cellars and cellar entrances.

Obstructions to streets.

Article XVI.

Water and Lights.

Section 1. That the city may own and maintain its own light and waterworks system to furnish water for fire and other purposes, and light to the city and its citizens, but shall in no case be liable for damages for a failure to furnish a sufficient supply of either water or light.

Ownership of light plant and waterworks.

City not liable in damages.

Sec. 2. That the board of commissioners shall have power to acquire and hold, in the name of the city, rights of way, water rights, and other property within and without the city limits, and the board of commissioners shall have power to condemn and take rights of way, easements, water rights, and other property within and without the corporate limits of the city for the purpose of getting, storing, maintaining, and furnishing a pure and adequate water supply, and of furnishing lights for the city and its citizens. That the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes. Right to hold and condemn property for light plant and waterworks. Proceedings for condemnation.

Sec. 3. That the said board of commissioners shall have entire supervision and control of the maintenance, improvement, and management of the said system, and shall fix such uniform rates for water as they think best. That said board of commissioners shall fix the time or times when said water rents shall become due and payable, and in case such rent is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water connections are made; and the same may at any time thereafter be collected, either by suit in the name of the city or by the collector of taxes for the city, by the sale of the property upon which said lien attaches at the courthouse door in the city of Raleigh, after advertising the same thirty days in some newspaper published in the city of Raleigh; and the said sale is to be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided in the charter of the city for the sale of real estate for taxes. That upon failure of the owner of property for which water is furnished, under the rules and regulations of the said board of commissioners, to pay said water rents when due, then the said board of commissioners, or its agents or employees, may cut off the water from the said property; and when so cut off, it shall be unlawful for any person, firm, or corporation, other than the said board of commissioners or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without having first paid said water rent and obtained permission from the commissioner of public works, or some officer in his department, to turn on said water; and any person, firm, or corporation convicted of the violation of any one of the provisions contained in this section shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. Supervision of system. Water rates. Collection. Lien on property. Enforcement of lien. Disconnection for failure to pay water rents. Re-establishment of connection forbidden. Misdemeanor. Punishment.

Sec. 4. That it shall be the duty of the board of commissioners of the city of Raleigh, and of the tax collector and treasurer and of the commissioner who is tax collector, and of the commissioner who is treasurer of the city of Raleigh, to keep a separate statement and account of the money received by the city of Raleigh from the waterworks system; and it shall be the duty of the said Separate accounts of receipts of water rents.

Preference in use of funds.

board of commissioners to give preference to the waterworks system over the other departments of the city in such funds and to provide for the proper upkeep of the waterworks system, and an amount necessary for the enlargement of the waterworks system before turning over to other departments the money so received.

Article XVII.

City hall, market and opera houses, etc.

Municipal buildings and auditorium.

Section 1. The board of commissioners of the city of Raleigh shall provide for the supervision and control of the municipal building and auditorium.

Opera house.

Sec. 2. The board of commissioners may conduct an opera house, or may lease the same upon such terms as it may deem best, and may exempt from city license taxes theaters and other shows using the auditorium and paying rent therefor.

Market regulations.

Sec. 3. The board of commissioners of the city of Raleigh have power to provide for the establishment, maintenance, and regulation of market and slaughter places; may prescribe the time and place of sale of fresh meats, fish, and other marketable products; may rent stalls in such manner and at such prices as it may deem best; may appoint a keeper of the market, or other person, who may summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale.

Condemnation and removal of unsound products.

Sale of unsound food a misdemeanor. Punishment.

Sec. 4. It is hereby declared a misdemeanor for any person to sell or offer for sale in the city any unsound articles of food, and any person convicted of any violation of this section shall be fined or imprisoned, in the discretion of the court.

Article XVIII.

Sewerage.

Sewerage system.

Section 1. That the said board of commissioners shall have power to provide, construct, establish, maintain, and operate a system of sewerage for the city, and protect and regulate the same by adequate rules and regulations, and if it shall be necessary in obtaining proper outlets to the said systems to extend the same beyond the corporate limits, the board of commissioners may condemn a right or rights of way to and for such outlet or outlets, and the proceedings for such condemnation shall be as herein provided for opening new streets and other purposes.

Power to condemn land.

Proceedings for condemnation.

Compulsory sewer connection.

Sec. 2. That the board of commissioners may require all owners of improved property which may be located upon or near any line of said system of sewerage to connect with such sewerage all water-closets, bath-tubs, lavatories, sinks, or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer.

Removal of slops, trash, and garbage.

Sec. 3. That the board of commissioners may by ordinance provide for removal, by wagons or carts, all garbage, slops, and

trash from the city, and when the same is not removed by the private individual in obedience to such ordinance, may require the wagons or carts to visit the houses used as residences, stores, and other places of habitation in the city, and also may require all owners or occupants of such houses who fail to remove such garbage or trash from their premises to have the garbage, slops, and trash ready and in convenient places and receptacles, and may charge for such removal the actual expenses thereof. Garbage receptacles. Cost of removal.

Sec. 4. That the board of commissioners, chief of police, commissioner of public safety, or other officer or officers who may be designated for this purpose by said board, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything in the city limits, or within Raleigh Township, which is dangerous or prejudicial to the public health; and the expenses of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes. Power in abatement of nuisances. Expense. Lien on premises.

Article XIX.

Fires and Fire Department.

Section 1. That the board of commissioners shall have power to provide for the organization, equipment, maintenance, and government of fire companies and a fire department; and in its discretion, may provide for a paid fire department, and for this purpose may create any offices and employments and fix their compensation as to the board may seem right and proper. Fire companies and fire departments. Offices and employments.

Sec. 2. That the board may establish and maintain fire limits in the city, in which it shall be unlawful to erect, alter, and repair wooden buildings or structures or additions thereto; it may also prohibit the removal of wooden buildings or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires. Fire limits.

Sec. 3. The board of commissioners may make rules and regulations governing the erection and construction of buildings in the city so as to make them as safe as possible from fire; and in case of fire, the mayor, the commissioner of public safety, or any two members of the said board of commissioners, may order the blowing up, tearing down, or destruction in any other way that may seem best of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, civilly or criminally, for acting in obedience to the orders thus given. Building regulations. Destruction of buildings for arrest of fire.

Article XX.

Care Fund for Cemeteries.

Section 1. That the board of commissioners are authorized to create a fund to be known as the perpetual care fund for the ceme- Care fund for cemeteries.

tery, or cemeteries, for the purpose of perpetually caring for and beautifying the cemetery or cemeteries, and said fund shall be kept by the city as is provided for bequests and gifts for cemetery purposes; and said board may make contracts with plat or space owners in the cemetery, or cemeteries, obligating the city to keep up and maintain said lots or spaces, in perpetuity, upon payment of such sum or sums as may be fixed by the board of commissioners; and the board of commissioners is further authorized and empowered to accept gifts and bequests for such purposes, or upon such other trusts as the donors may prescribe; and said board is authorized to set aside for said perpetual care fund an amount not exceeding twenty-five per cent of the proceeds of sale of cemetery lots. That the principal of said funds so appropriated by the board of commissioners for the caring for the cemetery, or cemeteries, shall be held by the said board of commissioners for caring for and beautifying the cemetery, or cemeteries, and improving the same. The income from the said fund heretofore or hereafter made shall be used for such purpose of carrying out contracts with the individual plat or space owners for perpetual care of individual plats and spaces. That any gift heretofore or hereafter made to and received by the city, or any of its officers, shall be held and used as a sacred trust fund for the purpose and upon the conditions named in such gifts or bequests, and any and all such funds shall be kept or invested separate and shall not be used for any other purpose, or by the city in its other affairs. That the city treasurer shall keep a separate account of the cemetery funds, and a still further separate account of all special gifts or bequests made by persons for and in connection with the cemetery, or cemeteries, and particular lots therein. The board of commissioners shall have the power to make rules and regulations and adopt ordinances for the carrying out of the duties imposed by this section.

Contracts with plat owners.

Gifts and bequests for fund.

Principal of fund.

Use of income.

Gifts in trust for uses stated.

Separate investments.

Division forbidden.

Separate accounts.

Power of commissioners.

Article XXI.

General laws applicable.

Sections of revisal to apply.

Section 1. That the provisions of section two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of the Revisal of one thousand nine hundred and five of North Carolina, shall apply to the city of Raleigh, where not inconsistent with the provisions of this act.

Article XXII.

Notice before suit.

Claims to be presented before suit brought.

Section 1. No action shall be instituted or maintained against the city of Raleigh upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to said board of commission-

ers, who shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitation from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running. Statute of limitations.

Sec. 2. No action for damages against said city of any character whatever to either person or property shall be instituted against said city, unless within ninety days after the happening or infliction of the injury complained of the complainant, his executors or administrators, shall have given notice to the board of commissioners of said city of such injury, in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running. Claims for damages before actions brought. Statute of limitations.

Article XXIII.

Election on adoption of commission form of government.

Section 1. That on the fourth Tuesday in March there shall be held in the city of Raleigh an election at which all voters who are then registered and qualified to vote shall be entitled to vote for the purpose of determining whether it is the will of such voters that the foregoing shall become law applicable to the city of Raleigh. That the election shall be advertised by the board of aldermen for twenty consecutive days prior to the holding of such election. Said advertisement shall be inserted in each daily newspaper published in the city of Raleigh. That such election shall be conducted in all things as are elections for mayor and aldermen under the present law, as nearly as may be. Date of election. Advertisement of election. Law governing election.

Sec. 2. That at each voting place in said city at such election there shall be provided one box in which each person entitled to vote may deposit one ballot. That those wishing to vote that the foregoing provisions shall become law applicable to the city of Raleigh may vote a ballot upon which there shall be printed or written the words "For Commission Form of Government," and each of those wishing to vote against the foregoing provisions becoming law applicable to the city of Raleigh may vote a ballot on which shall be printed or written the words "Against Commission Form of Government." Ballot box. Ballots.

Sec. 3. That the election officers for each precinct, within six hours from the time the polls are closed in the election to determine the question as to whether the foregoing provisions shall become law, shall count the ballots and certify the result to the mayor Count and return of vote.

Canvass of returns and declaration of result.

and board of aldermen. The mayor and board of aldermen shall, within twenty-four hours, examine such certificates and formally declare whether a majority of those voting have voted "For Commission Form of Government" or "Against Commission Form of Government," and spread upon their minutes the record of their determination; and if it shall appear therefrom that a majority of those voting at such election have voted "For Commission Form of Government" the foregoing sections of the proposed charter and laws shall at once become effective and the law applicable to the city of Raleigh, North Carolina, as if unconditionally passed by the General Assembly of North Carolina: *Provided*, that nothing in this act shall be construed in any manner as affecting the powers and duties of the mayor and board of aldermen of the city of Raleigh, under the present laws and ordinances, prior to the election and qualification of the board of commissioners provided for in this act.

Proviso: present government continued.

Penalty on mayor and aldermen for default in duty.

Sec. 4. That if the mayor or any of the aldermen of the city of Raleigh shall fail to perform any of the duties imposed upon them, relative to holding elections provided by this act, they and such of them so neglecting shall be guilty of a misdemeanor, and shall also be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund and one-half to the party who shall sue for same.

When act effective.

Sec. 5. That this act shall be in force and effect from the date of declaring carried the election "For Commission Form of Government," in the manner above set out.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 60.

AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF RALEIGH AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. That section one of article twenty-three of "An act to incorporate the city of Raleigh and to repeal its present charter and all laws in conflict with this act," which act was ratified on March third, one thousand nine hundred and thirteen, be and it is hereby amended by striking out the words "fourth Tuesday in March," in line one, and inserting in lieu thereof the words "first Tuesday in April," and by striking out the words "board of aldermen," in line eight of said section, and inserting in lieu thereof the word "mayor."

Date of election.

Election ordered by mayor.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 61.

AN ACT TO REPEAL CHAPTER 316, PRIVATE LAWS OF 1911, RELATING TO THE WATAUGA RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and sixteen, Private Laws of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby repealed. Forfeiture rescinded.

Sec. 2. That the incorporation of the Watauga Railway Company by chapter four hundred and eleven, Private Laws of North Carolina, session of one thousand nine hundred and five, and the several acts supplemental thereto and amendatory thereof, are hereby in all respects confirmed. Incorporation confirmed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 62.

AN ACT TO AMEND CHAPTER 195, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1901.

The General Assembly of North Carolina do enact:

Section 1. That the act entitled "An act to amend chapter two hundred and eighty-five, Public Laws of eighteen hundred and ninety-one," ratified on the eighteenth day of February, A. D. one thousand nine hundred and one, it being chapter one hundred and ninety-five, Public Laws of North Carolina, session one thousand nine hundred and one, be and the same is hereby amended, subject to the provisions of section two (2) of this act, as follows: Strike out the word "thirty," in line seven of section one (1), and insert in lieu thereof the word "forty"; and strike out the word "ninety," in line nine of said section, and insert instead thereof the words "one dollar and twenty." School tax rate.

Sec. 2. That this act shall be in force in the event that a majority of the qualified voters of the city of Concord at an election held for such purpose shall be in favor thereof, which proposition shall be submitted to the qualified voters of said city at the regular city election to be held in said city on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, or at any special election held at any time thereafter, which special election may be called at any time by the mayor and the board of aldermen of said city, by publishing a notice thereof once a week for four successive weeks in some newspaper published in the Act submitted to election. Time of election. Special election. Notice.

Ballot box and ballots.

city of Concord, at any of which said elections those voting in favor thereof shall cast ballots in a box provided for that purpose with the words, written or printed thereon, "For School Tax," and those opposed to said issue shall cast ballots with the words, written or printed thereon, "Against School Tax." Any special election held under the authority of this act shall be under the same rules and regulations as regular elections for the election of a mayor and board of aldermen. The judges and registrars of elections shall count all said ballots and make return thereof to the board of canvassers in the same manner as is provided in the case of regular city election, which board shall canvass, judicially determine, and declare the result.

Law governing special election.

Count and return of votes.

Canvass of returns.

Sec. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 63.

AN ACT TO INCORPORATE THE TRUSTEES OF THE JUPITER PRESBYTERIAN CHURCH IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Trustees incorporated.

Section 1. That Dr. I. A. Harris, J. O. McElroy, T. H. McLean, J. D. Fox, and George M. White and their associates and successors be and they are hereby created a body corporate and body politic, under the name of the "Trustees of the Jupiter Presbyterian Church of the Presbyterian Church in the U. S. A.," and under such name and style shall have existence for a period of sixty years, and shall be the custodians and dispensers of such funds as shall be placed in their hands by and for the benefit of the Jupiter Presbyterian Church of the Presbyterian Church in the U. S. A. They shall have power to sue and be sued, plead and be impleaded, shall have a corporate seal, and have all other rights and privileges incident to corporations as conferred by the laws of the State of North Carolina.

Corporate name.

Corporate existence.

Custodian of funds.

Corporate powers.

Further enumeration of corporate powers.

Sec. 2. That the said trustees shall have power and authority to take, purchase, hold, and receive, to them and their successors, in trust for and to the use of the said Jupiter Presbyterian Church, any lands, tenements, property of whatsoever nature or kind, real, personal, or mixed, which are now or may at any time hereafter become the property of said corporation, by purchase, gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person or persons whatsoever, and the same to grant, bargain, sell, improve, or dispose of, for the use and benefit of said Jupiter Presbyterian Church.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1913.

CHAPTER 64.

AN ACT TO SECURE TO THE VOTERS OF SELMA GRADED SCHOOL DISTRICT, IN JOHNSTON COUNTY, THE RIGHT TO ELECT GRADED SCHOOL TRUSTEES BY POPULAR VOTE.

The General Assembly of North Carolina do enact:

Time of election.

Section 1. That on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, the qualified voters of Selma Graded School District in Johnston County shall elect seven electors residing in said district, who shall be known as and constitute the Board of Trustees of Selma Graded School District, to succeed the present board of trustees in the conduct, management, and exclusive control of the free public schools of both races in said district. And as such board of trustees they are hereby vested with all the rights, powers, privileges, and duties imposed by the act creating said graded school district and otherwise required by law.

Number of trustees.

To succeed present board.

Powers, rights, and duties vested.

Direction and supervision of election.

Notice of election.

Sec. 2. The election of said board of trustees shall be held and conducted under the direction and supervision of the board of commissioners of the town of Selma, who shall give due and ample notice thereof in writing for thirty days next preceding said election.

Law governing election.

Sec. 3. So far as is consistent with the law, said election shall be held and conducted in the same manner and under the same rules, regulations, pains, and penalties as obtain in the biennial election of officers for said town of Selma.

Election officers.

Polling place; new registration.

Voters.

Sec. 4. That the said board of commissioners shall appoint a registrar and two poll-holders to conduct said election, fix the polling place, order a new registration, receive and canvass the returns, and declare the result thereof. Only residents within said graded school district, qualified to vote for members of the General Assembly, shall have a right to vote in said election.

Trustees to qualify.

Organization.

Sec. 5. As soon as practicable after said election the board of trustees elected thereat shall qualify before some officer authorized to administer oaths and organize by electing a chairman, vice chairman, secretary, and such other officers as they may deem necessary and proper.

Term of office.

Election and term of successors.

Sec. 6. The said board of trustees hereinbefore provided for shall hold office from the date of their election until their successors are elected by the voters of the said district at the next general election of members of the General Assembly and county officers, when it shall be the duty of the voters at such general election of members of the General Assembly and county officers, and biennially thereafter, to elect for a term of two years a board of trustees of said graded school district consisting of seven members, such elections to be conducted in the same manner and under

Law governing elections.

the same rules and regulations by the board of commissioners of the town of Selma as the board of graded school trustees first to be elected under this act shall be elected: *Provided*, that vacancies occurring other than by expiration of term shall be filled for the unexpired term by the remaining members.

Proviso: vacancies.

Treasurer.

Sec. 7. Immediately after their election and qualification the board of trustees to be elected under and pursuant to the provisions of this act shall elect a treasurer, who may be one of their number, or they may constitute and designate some bank operating within said graded school district and of undoubted solvency as custodian of the graded school fund of said district, and require such bond as they may deem necessary of such person or bank, and pay such compensation to said treasurer or bank as they may consider just and adequate for the strict and faithful accounting of all funds of said graded school district.

Bank may be treasurer.

Bond.

Compensation.

Present board to turn over books, money, and property.

Sec. 8. Upon the demand of the chairman of said board of trustees first elected under the provisions of this act it shall be the duty of the present board of trustees and treasurer to said board, and they and he are hereby ordered, to promptly turn over and deliver unto said chairman all books, records, vouchers, accounts, moneys, and all other property of whatsoever kind belonging to said graded school district.

Election of superintendent of schools.

Sec. 9. The board of trustees first elected under the provisions of this act and each succeeding board shall, during the month of June in each and every year, elect a superintendent of the graded schools for both races in said district, who shall be a person of good character; and at the same time or as soon thereafter as practicable the said board of trustees shall also elect teachers for the various grades in said schools and fix the compensation of such superintendent and teachers. And prior to the election of such superintendent said board shall give public notice in writing of the time and place when the board will go into the election of a superintendent for said graded schools.

Teachers.

Notice of election of superintendent.

Terms of present superintendent and teachers terminated.

Election.

Sec. 10. The terms of the present superintendent and teachers of said graded schools shall terminate and expire with the end of the present scholastic year, and their successors shall be elected in the manner hereinbefore provided during the month of June, one thousand nine hundred and thirteen.

Itemized accounts to be published.

Sec. 11. That it shall be the duty of the present board of trustees and all future boards to publish in the "Smithfield Herald," or other newspaper published in said county, for at least one week during the month of April of this and each succeeding year a correct, itemized, sworn statement of each and every item received and disbursed of the graded school and public funds of said district.

Trustees to co-operate with tax assessors.

Sec. 12. It shall be the duty of said board of trustees of Selma Graded School District to diligently coöperate with the list takers and assessors to the end that all property liable for graded school tax in said district be listed and fairly valued and assessed for graded school purposes.

Sec. 13. That notwithstanding any act of the General Assembly to the contrary, the term of the present board of trustees shall terminate and expire as soon as their successors are elected by the voters of said district in May next following the ratification of this act, whereupon their successors shall immediately assume exclusive management and control of all public school interests in said district, and the school fund of said graded school district shall not be responsible for the payment of any salaries of any teachers or officers or superintendent elected by the present board of trustees beyond the present scholastic year. Terms of present trustees terminated. Salaries to cease.

Sec. 14. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court. Violation of act a misdemeanor. Punishment.

Sec. 15. That all laws and clauses of laws, and particularly chapter one hundred and sixty-seven, Private Laws of North Carolina of one thousand nine hundred and one, in so far as they conflict or are inconsistent with the provisions of this act, are hereby repealed. Repealing clause.

Sec. 16. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1913.

CHAPTER 65.

AN ACT TO ESTABLISH RAEFORD GRADED AND HIGH SCHOOL DISTRICT IN HOKE COUNTY, AND TO PERMIT SAID DISTRICT TO VOTE $35,000 OF BONDS.

Whereas, on the fourth day of March, one thousand nine hundred and three, the General Assembly of North Carolina passed an act creating Raeford School District for the white race, including portions of Cumberland and Robeson counties, and the same being published, with boundaries, in the Public Laws of North Carolina, session one thousand nine hundred and three, chapter four hundred and five, page six hundred and ninety-three; and whereas all of said Raeford School District is now in Hoke County; and whereas, on the eighteenth of January, one thousand nine hundred and twelve, a majority of the qualified voters in the said Raeford School District voted in favor of the levy and collection of a special tax for the support of said school, and the same is now being levied and collected, thereby changing its nature from that of a private to a public school: therefore, Preamble: establishment of district. Preamble: district in Hoke county. Preamble: special tax voted.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Hoke County, upon the written application of a majority of the committee in Election to be ordered.

the said Raeford School District, shall order an election to be held in said district, at a time and place to be specified by said board of commissioners, to determine the question, "Shall the Raeford Graded and High School District in Hoke County issue bonds not to exceed in amount thirty-five thousand dollars to be used as hereinafter provided?" The question to be decided by a majority of the votes of the qualified voters within said Raeford Graded and High School District, containing the same territory and bounded by the same boundaries as that of the Raeford School District created by the Legislature of nineteen hundred and three, to wit, beginning at the point on Big Rockfish Creek where the line between Cumberland and Robeson counties (now in Hoke County) going westwardly leaves said creek, and runs thence a direct line to the east corner of H. McC. Currie's land, a part in Robeson County (now Hoke County); thence with the line of his land in a southerly direction to the Nelson Road; thence with the Nelson Road westwardly to the line of John Chisholm's land (a part of which is now owned by J. C. Thomas); thence with his line in a southerly direction to the line of John W. Chisholm's land (now owned by J. H. Campbell); thence with J. W. Chisholm's line (now J. H. Campbell's) westwardly to the line of J. H. Tyson's land; thence with his line and including all of the land of said Chisholm (now J. H. Campbell) and Tyson to the Nelson Road; thence with the Nelson Road to Tony's Creek; thence up the various courses of Tony's Creek to the Cumberland County line (now in Hoke County); thence with said line due west to Beaverdam Creek; thence up the various courses of said Beaverdam Creek to its source; thence a direct line to the head of McKinzie Mill Creek; thence down the various courses of said creek to Big Rockfish Creek; thence a direct line to the head of Beaver Creek near the western plank road; thence down the various courses of said creek to the east boundary of Gilbert McDuffie's land; thence a direct line to the east boundary of John Black's land; thence a direct line to the east, Black's land, including the same, to Big Rockfish Creek; thence up the various courses of said creek to the beginning.

Question to be voted on.

Decision by majority of voters.

Boundary of district.

Sec. 2. That upon the ratification of this act by a majority of the qualified voters residing in the above described territory, the name of said taxing district shall be changed and shall be "Raeford Graded and High School District," and the board of trustees hereinafter named, and their successors in office, shall be and they are hereby constituted a body corporate by the name and style of the "Board of Trustees of Raeford Graded and High School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquired by gift, purchase, devise, or otherwise, real estate and personal property; hold, exchange, mortgage, and sell, and exercise such other rights and privileges as are incident to other corporations,

Name of district.

Trustees incorporated.

Corporate name.

Corporate powers.

and may have a corporate seal; and said board of trustees are hereby fully authorized and empowered to execute and deliver a mortgage or deed in trust to be signed by its chairman, attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property title to which is or may hereafter be vested in said Raeford Graded and High School District, or in said board of trustees, to secure the bonds herein provided for, and interest on the same. Power to execute and deliver mortgage.

Sec. 3. That the board of trustees of said Raeford Graded and High School District, hereinafter provided for, or their successors in office, shall be and they are hereby authorized and empowered to issue bonds of said Raeford Graded and High School District to amount not exceeding thirty-five thousand dollars ($35,000), in such denominations as said board of trustees may deem advisable, bearing interest from their date at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be in such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from date of issue, and at such place or places as said board of trustees may determine; said bonds to be signed by the chairman of said board of trustees and indorsed by the secretary of same, who shall attach the seal of said board of trustees to each of said bonds: *Provided*, said board of trustees may issue bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for. Bond issue authorized. Amount. Denominations. Interest. Maturity. Authentication. Proviso: issue of bonds as required.

Sec. 4. That the proceeds arising from the sale of said bonds, or of such thereof as may be necessary, shall be expended by said board of trustees in providing by purchase or otherwise such graded school site, or sites, and building or buildings, as may be necessary, and furnishing the same with all necessary equipment. Expenditure of proceeds.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a price less than par; nor shall bonds or the proceeds thereof be used or devoted to any other purpose than those declared in section four of this act. Sale below par forbidden.

Sec. 6. That for the purpose of providing for the payment of said bonds, and the interest thereon, the Board of Commissioners of Hoke County shall annually and at the time of levying the county tax, commencing with the fiscal year beginning next after the ratification of this act by a majority of the qualified voters of the district as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory hereinbefore described under the provisions of Revisal, section four thousand one hundred and fifteen, and which special tax, upon the ratification hereof by a majority of the qualified voters residing in said territory, shall be levied upon all taxable Special tax.

property and polls in the above described territory, levy an additional and particular special tax on all polls and property subject to taxation within the above described territory, sufficient in amount to pay all interest on bonds herein described and to provide a sinking fund for the payment of said bonds.

Collection and settlement of tax.

Sec. 7. That said taxes shall be collected by the Sheriff of Hoke County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of the board of trustees of said Raeford Graded and High School District:

Proviso: school treasurer to give bond.

Provided, the said treasurer of said board of trustees shall first enter into a good and sufficient bond payable to the board of trustees in such amount as the said board of trustees may direct, conditioned for the faithful safe keeping and disbursement of the said taxes and all other school funds which may come into his hands for the use and benefit of the said graded and high school district.

Election to be held.

Sec. 8. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act at an election to be held at such time and place as the Board of Commissioners of Hoke County may desig-

Notice of election.

nate; that thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in one or more newspapers published in said graded and high school district, or by printed circulars or notices posted at least at ten places in

Election officers.

the above described territory. It shall be the duty of the Board of Commissioners of Hoke County to appoint a registrar and two judges of election to conduct said election, all of whom shall be

New registration.

qualified voters residing in said territory. It shall be the duty of said registrar to make a new registration of all the persons entitled to vote for members of the General Assembly, residing in the territory hereinbefore described, and to this end he shall,

Registration.

commencing on the fourth Saturday before the election, attend regularly at some fixed place in the town of Raeford for four successive Saturdays, between the hours of eight A. M. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory, and only those persons who are duly registered in accordance with the provisions hereof shall be deemed qualified voters under the

Challenges.

provisions of this act. All challenges of voters may be entered on any registration day and shall be passed on by the judges of elec-

Pay of election officers.

tion and registrar on the day of election. Said registrar shall receive, as compensation for his services, the sum of three cents for each voter registered by him, and three dollars for his attendance upon election, and the judges of election shall receive the sum of three dollars each for their services on election day, includ-

Notice of election.

ing counting and making up the returns. Said registrar shall post in the town of Raeford, and at least five other public places

in said territory, notice of the days, hours, and place of registration. For the purpose of this act the polls shall be open at the regular voting place for the election of county and State officers in the town of Raeford at the hour of eight A. M., and shall close at sundown. All costs in connection with such election shall be paid from the school fund of Raeford District. Time and place. Costs of election.

Sec. 9. At said election those who are in favor of the provisions of this act shall vote a written or printed ballot with the words "For School Bonds" upon it, and those opposed to the provisions of this act shall vote a written or printed ballot with the words "Against School Bonds" upon it. The number of voters registered and the number of ballots cast for and against bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Hoke County, who shall furnish to the board of trustees a certified copy of said returns under his hand and seal, and also send a like copy of said returns to the Secretary of State, which said Secretary of State shall file in his office. If at the election a majority of the qualified voters of said district shall vote "For School Bonds," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees, and take such steps as may be necessary for the issuance of said bonds herein provided for, and shall enter upon the duties enjoined upon them by this act. Ballots. Count and return of votes. Effect of election.

Sec. 10. That J. C. McLean, B. R. Gatling, and W. T. Covington be and they are hereby appointed the board of trustees of said Raeford Graded and High School District as herein provided, and J. C. McLean shall hold office for one year, B. R. Gatling and W. T. Covington shall hold their offices for two years; and the term of office of said trustees shall be considered as beginning the first Monday in May, one thousand nine hundred and thirteen. These trustees shall meet with the county board of education and shall select two other men whose term of office shall be four years, beginning the first Monday in May, one thousand nine hundred and thirteen. This selection to be made as soon as possible after the ratification of this act. Trustees named. Additional trustees.

Sec. 11. Whenever the term of office of any trustee or class of trustees shall expire, as above provided, their successors shall be appointed by the Board of Education of Hoke County, the persons to be appointed to be residents and qualified voters of the graded school district hereby created, and shall serve for a term of four years. All vacancies in said board of trustees, caused by death, resignation, removal from the district, or otherwise, shall be filled by the remaining members of the board, and the persons so chosen shall fill and serve out the unexpired term, and at the end of such unexpired term his successor shall be appointed as hereinbefore provided. The office of trustee shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina. Election of successors. Term. Vacancies. Trustees not officers.

Organization.

Sec. 12. That after the ratification of this act by a majority of the qualified voters residing in said territory, said board of trustees at their first regular meeting, and annually thereafter on the first Monday in June in each year, shall elect from their number a chairman and secretary. The said board shall also elect a treasurer, who may or may not be a member of said board of trustees. The treasurer shall have charge of all the moneys received and disbursed as provided in this act, and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive such compensation as may be fixed by said board, and give such bond as may be required by said board. The secretary shall keep minutes of all meetings, and shall attest the signature of the chairman to all legal documents, and shall be the custodian of the corporate seal, and shall issue by order of the board all orders or warrants for the payment of money.

Duty of treasurer.

Monthly reports.

Pay of treasurer.

Duty of secretary.

Annual reports.

Sec. 13. That it shall be the duty of the said board of trustees to make annually to the Board of Education of Hoke County, after the close of each school year, such report as said board of education may require.

Teachers.

Sec. 14. Said board of trustees shall not employ as a teacher in said graded and high school district any person who shall not be entitled to teach in the public schools of Hoke County under the general school law. The board of trustees shall have the right in the exercise of their discretion to admit to the said graded and high schools students or pupils not entitled to the benefits of said schools, and to charge, collect, and receive from such students or pupils such tuition or other charges as may be fixed by said board of trustees.

Pay pupils.

Sinking fund.

Sec. 15. That it shall be the duty of the said board of trustees of said Raeford Graded and High School District, commencing with the fifth year after their first qualification under the provisions hereof, to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose set apart each year, from the taxes collected or moneys appropriated to said school district, a sum sufficient to fully pay off and discharge the principal of said bonds at their maturity, which sinking fund shall be kept securely invested or loaned out on first mortgage on real estate in Hoke County, worth not less than double the amount of loan. It shall also be the duty of said board of trustees to provide for the payment semiannually of the interest on said bonds, and for that purpose to set apart from the taxes collected or appropriated for said school district a sum sufficient to pay the same.

Investment of sinking fund.

Interest.

Existing special tax.

Sec. 16. That in case a majority of the qualified voters of the above described territory shall not vote "For School Bonds," nothing herein contained shall interfere with the collection of the special tax which is now levied and collected in said territory;

but, in such case, said special taxing district and the committee thereof shall remain as at present constituted.

Further elections.

Sec. 17. That in case a majority of the qualified voters shall not vote "For School Bonds" at the election herein provided for, the Board of Commissioners of Hoke County, upon the petition of one-tenth of the qualified voters residing in the above territory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint the judges and registrar of said election, the time and place of election to be determined by said board of commissioners, and the machinery of said election, so far as applicable, to be as hereinbefore provided.

Taxes additional to existing taxes.

Sec. 18. That nothing herein contained shall be construed as suspending or superseding special school taxes now collected or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be voted for the issue of bonds shall be over, above, and separate and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of Revisal, section four thousand one hundred and fifteen; and, upon ratification of this act by a majority of the qualified voters of said graded and high school district herein provided for, shall be levied and collected, over, above, and in addition to the special school taxes now levied and collected under authority of law.

Limit of application.

Sec. 19. This act shall apply only to the Raeford Graded and High School District in Hoke County.

Sec. 20. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 21. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 66.

AN ACT TO AMEND CHAPTER 333 OF THE PUBLIC LAWS OF 1903, RELATING TO OXFORD GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Admittance optional.

Section 1. That chapter three hundred and thirty-three of the Public Laws of nineteen hundred and three be amended by striking out the word "shall," in line nine of section six thereof, and inserting in lieu thereof the word "may."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 67.

AN ACT TO INCORPORATE THE TOWN OF STEDMAN IN THE COUNTY OF CUMBERLAND.

The General Assembly of North Carolina do enact:

Town incorporated. Corporate name. Corporate powers.

Section 1. That the town of Stedman, in the county of Cumberland, be and the same is hereby incorporated by the name and style of the Town of Stedman, and shall have all the privileges and duties, and be subject to all the provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, and the laws amendatory thereof and supplementary thereto, not inconsistent with this act.

Corporate limits.

Sec. 2. The corporate limits of said town shall be as follows, to wit: Beginning at an iron post in the eastern side of T. N. McMillan's field, near the head of a branch, and running south eighteen west one mile to an iron post near the "core house"; thence south seventy-two east one mile to an iron post in the south side of C. C. Culbreth's field; thence north eighteen east one mile to an iron post on the north side of W. R. Averitt's field; thence north seventy-two west one mile to the beginning.

Town officers. First officers named.

Sec. 3. The officers of said town shall consist of a mayor and five commissioners, chief of police, regular and special policemen, clerk and treasurer, and such other officers as the commissioners may elect; and the following named persons shall fill the following offices until their successors are elected and qualified, to wit: John B. Bryant, mayor; A. C. Bullard, J. E. Fussell, J. H. Bryant, O. L. McFayden, and A. G. Strickland, commissioners; and clerk and treasurer, M. A. Geddie.

Other officers.

Sec. 4. That the chief of police, clerk and treasurer, and as many regular policemen as may be deemed proper, shall be appointed by the commissioners; and the special policemen shall be appointed by the mayor.

Town elections.

Sec. 5. An election shall be held in said town on the first Monday in May, one thousand nine hundred and thirteen, and annually thereafter, for a mayor and five commissioners, under the laws of North Carolina regulating elections in towns and cities.

Council. Ordinances.

Sec. 6. That the mayor and commissioners shall form a council, and make, publish, and enforce ordinances for the government of said town, not inconsistent with the Constitution and laws of North Carolina.

Officers to qualify.

Sec. 7. That the officers provided for by this act shall qualify within ten days after its ratification, before some justice of the peace or the clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

Prohibition.

Sec. 8. That no spirituous, vinous, or malt liquors shall be manufactured or sold within the corporate limits of said town.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 68.

AN ACT TO REPEAL ITS PRESENT CHARTER AND LAWS IN CONFLICT WITH THIS ACT, AND TO INCORPORATE THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

Article I.

NAME AND RIGHTS.

Section 1. That the inhabitants within the territory described in section three of article one shall continue, as they have heretofore been, a body politic and corporate, under the name and style of the "City of Hickory," and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed to it, and may invest, sell, or dispose of same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights, and privileges necessary for its proper government or usually appertaining to municipal corporations. Incorporation. Corporate name. Corporate powers.

Sec. 2. That all property, real, personal, and mixed, of whatsoever character or description and wheresoever situate, now held, controlled, or used by the city of Hickory for any purpose, or which may hereafter be held, controlled, or used by said city, or which may have been vested in said city by virtue of any laws of the State of North Carolina, and any and all judgments, liens, rights of liens and causes of action of any and all kinds in favor of said city of Hickory, shall vest in and remain and inure to said city of Hickory, its successors and assigns; and the passage and ratification of this charter shall not release the city from any liabilities that now exist against said municipality. Property and rights vested. Liabilities confirmed.

Sec. 3. That the corporate limits of said city shall include all the territory situate within one mile of the center of the public square of said city, and in addition thereto shall include that property known as Lenoir College grounds and campus and all buildings thereon, and the dwellings of N. C. Deal and L. S. Whitener, mentioned in chapter ninety-seven of the Private Laws of North Carolina, session one thousand eight hundred and ninety-nine. Corporate limits.

Sec. 4. The part of the city of Hickory lying north of the Southern Railway and east of a due north line from the center of what is known as the public square shall be known as Ward Number One; that part lying south of said railway and east of a due south line from the center of said square shall be known as Ward Num- Ward number one. Ward number two.

Ward number three. Ward number four.

ber Two; that part lying south of said railway and west of said due south line shall be known as Ward Number Three; and that part lying north of said railway and west of said due north line shall be known as Ward Number Four.

Article II.

elections and elective officers.

Municipal elections. Municipal year. Special elections.

Section 1. The general municipal election shall take place annually on the first Monday in April, except as otherwise herein provided; and the municipal year shall begin at ten o'clock in the forenoon of the first Monday in May, and shall continue until ten o'clock in the forenoon of the first Monday of the following May. Every special election shall be held on a Monday.

First election. Term of mayor. Terms of aldermen.

Sec. 2. On the last Monday in April, one thousand nine hundred and thirteen, the qualified registered voters of the city of Hickory shall elect a mayor and four aldermen. No two aldermen shall be residents of the same ward. The mayor shall serve during a term of one year. The two elected persons receiving at said election the highest number of votes and the second highest number of votes, respectively, for aldermen, shall serve during a term of two years; the other two persons elected aldermen at said election shall serve during a term of one year.

Subsequent elections. Residence of aldermen. Term of aldermen.

Sec. 3. On the first Monday of April of each year after the year one thousand nine hundred and thirteen a mayor and two aldermen shall be elected by the qualified registered voters of the city of Hickory. The two aldermen shall be, respectively, residents of the wards, as hereinbefore described, in which their predecessors respectively resided. The mayor shall serve during a term of one year and the aldermen shall serve during a term of two years.

Primary elections. Notice for primary elections.

Sec. 4. On the first Monday preceding every general municipal or special municipal election at which any officer mentioned in the preceding two sections is to be elected, or at which any officer provided for in any act in amendment of this charter is to be elected, there shall be held a primary election for the purpose of nominating candidates for such offices. The notice calling for said primary election shall be published at least thirty days before the date of the municipal election.

Hours of voting. Primary election officers. Polling places. Election supplies.

Sec. 5. At every primary election the polls shall be opened at sunrise and closed at sundown, and, except as otherwise provided in this charter, every such primary election shall be called by the same officers and held in the same manner as a general municipal election. The polling place shall be designated, provided, and furnished, and official ballots, ballot boxes, blank forms, apparatus, and supplies shall be provided for every such primary election, of the same number and kind and in the same manner and by the same officer or officers as at a general municipal election.

Official ballots at municipal elections.

Sec. 6. Except as is otherwise provided in this charter, there shall not be printed on the official ballots to be used at any general

or special municipal election of said city the name of any person or candidate for mayor or alderman unless such person shall have been nominated for such office at a primary election held as provided in this charter. There shall not be printed on the official ballots to be used at a primary election the name of any person as a candidate unless such person shall have been nominated in accordance with the provisions of this charter. Official ballots at primary elections.

Sec. 7. The mode of nomination of all elective officers of the city to be voted for at any general or special municipal election shall be as follows, and not otherwise: Mode of nomination.

(*a*) The name of a candidate shall be printed upon the official ballots for the primary election when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth. Petition for printing names on ballot.

(*b*) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows: Number of certificates.

PETITION FOR NOMINATION.

I, the undersigned, certify that I do hereby join in a petition for the nomination of ..... for the office of ..... of the city of Hickory, and do hereby request that his name be printed upon the official ballots to be used at the primary election to be held on the ..... Monday of ....., 191... Form of petition.

I further state that I believe him to be of good moral character and qualified to perform the duties of the office.

I further certify that I am a qualified voter of the city of Hickory, and am not at this time a signer of any other petition nominating any other candidate for the above named office, or (in case there are several places to be filled in the above named office) that I have not signed more petitions than there are places to be filled in the above named office.

My residence is at Number ....., ... Street.

Witness my signature, this the .... day of ....., 19...

Witness:

....,

Petitioner's Signature.

(*c*) It shall be the duty of the city manager to furnish, upon application, a reasonable number of forms of individual certificates of the above character, at the expense of the city. City manager to furnish forms.

(*d*) Each certificate must be on a separate paper; must contain the name of one signer thereto, and no more; shall contain the name of one candidate, and no more; and all certificates must be of uniform size as determined by the city manager. Each signer must be a qualified voter, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several Specifications for certificates.

places to be filled in the same office, signed to more certificates for candidates than there are places to be filled in such office. In case a voter has signed two or more conflicting certificates, all such certificates shall be rejected. All certificates must be signed by the individuals personally and their signatures shall and must be witnessed by a qualified voter of the city of Hickory.

Verification of certificates.

Time of filing petition.

(*e*) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the city manager not more than twenty-five days nor later than ten days before the primary election, except as otherwise herein provided. The city manager shall indorse thereon the date upon which the petition was presented to him for filing.

Date of filing.

Examination and amendment of petition.

(*f*) When a petition for nomination is presented for filing to the city manager, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition to the person who presented the same for filing. The petition may then be amended and again presented to the city manager as in the first instance. Whereupon the city manager shall forthwith proceed to examine the petition as hereinbefore provided.

Revocation of signature.

(*g*) Any signer to a petition of nomination or a certificate may withdraw his name from the same by filing with the city manager a verified revocation of his signature before the filing by the city manager, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Notice of withdrawal by candidate.

(*h*) Any person whose name has been presented under this section as a candidate may, not later than ten days before the day of the primary election, cause his name to be withdrawn from nomination by filing with the city manager a request thereof in writing, and no name so withdrawn shall be printed upon the ballot.

Other nominations.

If upon such withdrawal the number of candidates does not exceed the number to be elected to said office, then other nominations may be made by filing petitions therefor not later than seven days prior to such primary election.

Petitions to be filed.

(*i*) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the city manager shall file the same ten days before the day of holding said primary election, except as otherwise provided in the preceding subsection.

Preservation of petitions and certificates.

(*j*) The city manager shall preserve in his office all petitions of nomination and all certificates belonging thereto.

Petition filed not withdrawn or altered.

(*k*) When a petition of nomination shall have been filed by the city manager it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Lists of candidates.

Sec. 8. Immediately after such petitions are filed, the city manager shall enter the names of the candidates in a list, with

offices to be filled, and shall, not later than five days before the primary election, certify as being the list of candidates nominated as required by this charter, and the city council shall cause such certified list of names and offices to be filled, designating whether for a full term or unexpired term, to be published at least three days before the primary election in one or more issues of one or more papers published in the city of Hickory.

Certified lists published.

Sec. 9. Thereupon the city manager shall prepare and cause to be printed the ballots to be used at such primary election; and the ballots so prepared shall contain the name of every candidate whose petition of nomination has been filed by the city manager as aforesaid, and the name of no other candidate shall be printed thereon. At the top of each ballot shall be the words "Official Primary Ballot"; following this, the names of the candidates for mayor, arranged alphabetically, shall then be placed, with a square at the left of each name, and immediately below the words, "Vote for One." Following these names, likewise alphabetically arranged, shall appear the names of the candidates for alderman from Ward Number One, if any, with a square at the left of each name, and below the names of such candidates shall appear the words, "Vote for One"; following these names, like arrangement shall be made for the names of candidates for aldermen from Ward Number Two, from Ward Number Three, and from Ward Number Four. Like arrangement shall be made for the names of candidates for each other elective office that may be from time to time provided for by law. At the bottom of each ballot shall be the words, "Instructions to Voters: To vote, stamp or write a cross in the square opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden." All ballots shall be authenticated with a facsimile of the signature of the city manager, and shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink; and the names of all candidates shall be printed upon the ballots in the same color of ink and shall be in type of the same size and style, and the ballots shall be furnished at the expense of the city.

Ballots.

Form of ballots.

Instructions to voters.

Authentication of ballots.

Sec. 10. The qualifications for voting at a primary election or at a municipal election shall be a four months residence in the city of Hickory, and the qualifications required of electors voting for members of the General Assembly of North Carolina.

Qualifications for voters.

Sec. 11. The election officers shall immediately upon the closing of the polls at a primary election count the ballots and ascertain the number of votes cast for each person for nomination for the office for which he was a candidate; and they shall forthwith make returns thereof to the city council upon blank forms to be furnished to them by the city manager.

Count and return of votes.

Sec. 12. The two persons receiving at a primary election the highest number and second highest number of votes, respectively, for mayor, for aldermen from the same ward, or any other office,

Candidates at municipal election.

shall be candidates whose names shall be printed on the official ballots to be used at the general or special municipal election for which such primary election was held; except that in case two or more persons receive the same number of votes, and more votes than any other person for the same office, then said persons shall be the candidates as aforesaid whose names shall be printed on said official ballots. If in order to obtain the requisite number of candidates for mayor, for alderman from the same ward, or for any other office, it becomes necessary to take one of two or more persons having the same number of votes for mayor, for alderman from the same ward, or for any other office, then the names of all the aforesaid persons having the same number of votes for such office shall be printed on the official ballots to be used at such general or special municipal election, together with the names of all persons, if any, receiving a higher number of votes for such office, even though it makes the number of candidates more than twice the number to be chosen to such office.

Form of ballots.

Sec. 13. At the top of all ballots used at any general or special municipal election shall be the words "Official Election Ballot," and the ballots used for the election of officers shall conform in all other respects with the provisions of section nine as modified by section twelve of this article.

Election officers.

Sec. 14. The city council shall appoint a registrar and two judges at least thirty days before any general or special municipal election. The names of the registrar and judges of election shall appear in the notice calling for the primary election preceding the general or special municipal election. The registrar shall be furnished, at the expense of the city, with registration books, ballot boxes, and such blank forms as are required by this charter. It shall be his duty, after being qualified, to perform the functions of his office impartially and according to law, and to open and to keep open registration books for thirty days immediately preceding the day of election; that is, the general or special municipal election. He may require any person offering to register for any general, special, or primary municipal election to take and subscribe an oath that he has resided in the State of North Carolina two years, in Catawba County six months, and in the city of Hickory four months, and that he is twenty-one years of age.

Registrar.

Registration.

False swearing a misdemeanor.

Sec. 15. If any person willfully swear falsely in taking the oath mentioned in the preceding section, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding two hundred dollars or be imprisoned not exceeding sixty days.

Conduct of election.

Sec. 16. That after being duly sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law, the registrar and judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of

the primary, general or special municipal election then being held, superintend and conduct the primary or election in like manner and during the same hours as elections for members of the General Assembly of North Carolina are conducted.

Count and return of votes.

Sec. 17. The registrar and judges of election shall, immediately upon the closing of the polls, publicly count the ballots and ascertain the number of votes cast for each person for the office for which he was a candidate; and they shall forthwith make returns thereof to the city council upon the blank forms furnished by the city manager.

Persons declared elected.

Sec. 18. At a general or special municipal election the person receiving the highest number of votes for mayor, for alderman from any one ward, or for any other office shall be deemed and declared elected to such office. If two or more persons receive the same number of votes for mayor, for alderman from the same ward, or for any other office, for which no person has been elected, the persons receiving an equal number of votes shall decide by lot which one shall be deemed and declared to be elected.

Ties decided by lot.

Vacancies in election offices.

Sec. 19. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him after being duly sworn, or if a vacancy should occur in said office, for any reason, then the mayor may appoint to fill the vacancy. The registrar and judges of election shall receive for their services such compensation as shall be fixed by the city council; but such compensation shall in no event exceed that allowed by law for registrars and judges holding elections for members of the General Assembly of North Carolina.

Pay of election officers.

Vacancies upon failure to qualify.

Sec. 20. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such, as hereinafter provided.

Informalities not to vitiate election.

Sec. 21. No informalities in conducting municipal elections in the city of Hickory shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

Forfeiture for failure to discharge duty.

Sec. 22. That if the city council shall fail to give notice of an election as herein provided, to hold and declare the same in like manner as herein prescribed, or if any officer fails to fairly and impartially perform the duties herein required to be performed by him, each of them as shall be in fault shall forfeit and pay, for the equal benefit of the city and of him who shall sue therefor, one hundred dollars.

Accepting bribe a misdemeanor.

Sec. 23. Any person who shall agree to perform any services in the interest of any candidates for any office provided for in this charter, in consideration of any money or other valuable thing, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars or be imprisoned in the county jail not exceeding six months.

Punishment.

Punishment for offering bribe.

Sec. 24. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any primary, general or special municipal election provided for in this charter, or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration, shall be fined a sum not less than one hundred dollars nor more than five hundred, or be imprisoned in the county jail not less than four months nor more than twelve months.

Duties performed by present officers.

Sec. 25. That all duties herein imposed upon the mayor, the city council, and the city manager, with reference to primaries and municipal elections, shall, prior to the election and qualification of the mayor, aldermen, and city manager in one thousand nine hundred and thirteen, be performed by the mayor, board of aldermen, and the city clerk of the city of Hickory as now constituted.

Article III.

Recall of Elective Officers.

Officers subject to recall.

Procedure.

Section 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the qualified registered voters of the city. The procedure to effect such removal shall be as provided in this article.

Petition for recall.

Sec. 2. A petition signed by twenty-five per cent of the qualified registered voters of the city demanding an election of a successor of the officer sought to be removed, and stating in not more than two hundred words the reason for demanding the recall of the officer, shall be addressed to the city council and presented to the city manager. The petition may request such election to be held at a special municipal election or at the next general municipal election.

Examination of petition.

Return for amendment.

Amended petition.

Petition to be filed and officer notified.

Sec. 3. When a recall petition is presented to the city manager for filing, he shall forthwith examine the same, and ascertain if it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition to the person who presented the same for filing. The petition may then be amended and again presented to the city manager as in the first instance. Whereupon the city manager shall forthwith proceed to examine the petition as hereinbefore provided. If either the original or the amended recall petition be found to conform to the provisions of this article, the city manager shall immediately file same and notify the officer sought to be removed of said filing.

Election if officer fails to resign.

Sec. 4. If the officer sought to be removed shall not resign within five days after the petition is filed by the city manager, and if the petition requests a special election, the city council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a gen-

eral municipal election is to occur within ninety days, the city council may in its discretion postpone the holding of such election to such general municipal election.

Petition and answer published in call for election.

Sec. 5. In the published call for the election shall be printed in not more than two hundred words the reason for demanding the recall of the officer as set forth in the recall petition, together with such defense or answer, not exceeding two hundred words, as the officer may desire to make.

Officer a candidate.

Sec. 6. The officer sought to be removed shall be deemed a candidate, and, unless he resigns, his name shall be printed upon the official election ballots. The nomination of the other candidate and the election shall be in accordance with the provisions contained in the article on elections. If the officer sought to be removed is an alderman, the other candidate shall reside in the ward of which the officer sought to be removed is a resident.

Nomination of other candidate.

Officer to continue on duty.

Sec. 7. The officer sought to be removed shall, if he does not resign, continue to perform the duties of his office until the result of such election is declared. If he fails of election, he shall be deemed removed from office, and the successful candidate shall be duly inducted into office as his successor.

Removal from office and induction of successor.

Limitation on recall.

Sec. 8. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Disqualification of person recalled.

Sec. 9. No person who has been recalled from an elective office, or who has resigned from such office after a recall petition shall have been duly filed against him, shall be appointed to any office within one year after such recall or resignation.

Limit of special elections.

Sec. 10. During any period of six months there shall not be held more than one special municipal election.

Ordinances in furtherance of article.

Sec. 11. The city council may by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

Article IV.

The City Council.

City council.

Mayor and aldermen.

Section 1. The legislative and general regulative powers of the city of Hickory shall be vested in a city council, which shall be composed of the mayor and four aldermen.

Qualifications for mayor and aldermen.

Sec. 2. The qualifications of the members of the city council shall be two years residence in the city of Hickory and the qualifications required for members of the more numerous house of the General Assembly of North Carolina. The city council shall be the judge of the election and qualifications of its own members, subject to review by the courts.

City council to be sworn.

Sec. 3. The members of the city council, before entering upon their duties, shall severally take and subscribe an oath before a justice of the peace to perform faithfully the duties of their office.

Vacancies.

Sec. 4. If a vacancy shall occur in the city council, the remaining members shall elect a person to fill the vacancy until the next general or special municipal election, at which the vacancy shall be filled for the unexpired term by the qualified registered voters of the city. No two aldermen shall be residents of the same ward.

Residence of aldermen.

Pay of city council.

Sec. 5. Each member of the city council shall receive one dollar per meeting as compensation for his services, payable monthly:

Proviso: limit.

Provided, that no member shall receive any amount in excess of sixty dollars during any municipal year, except as is otherwise hereinafter in this charter provided for a member who may perform the duties of city treasurer.

Regular meetings.

Sec. 6. The city council shall hold regular meetings on Tuesday of each and every week at some regular hour to be fixed by said council from time to time, and publicly announced by it; and it

Called meetings.

may hold such adjourned and called meetings as may be necessary or convenient.

Quorum.

Sec. 7. Three members shall constitute a quorum to transact business, but two members may adjourn from day to day and

Three members to call meeting.

compel the attendance of absent members. Any three members may call a meeting. All special or adjourned meetings at which

Meetings open to public.

any person not a city officer is present and all regular meetings

Public access to minutes.

shall be open to the public. Any citizen may have access, during reasonable hours, to the minutes of the city council, upon application to the city manager.

Ordinances to pass two readings.

Sec. 8. No resolution, by-law, or ordinance appropriating any money for any purpose, providing for any public improvements, enacting any regulation concerning the public safety or public health, levying any tax, or of any other general or permanent nature, except a proclamation of quarantine or other emergency measure concerning the public safety or public health, shall be enacted, unless said resolution, by-law, or ordinance shall have been read twice and passed two readings, which readings shall have been on two different days and one of which must be at a regular

Proviso: emergency measures.

meeting: *Provided*, any emergency measure enacted shall be effective only until the first regular meeting after its enactment, unless ratified at such meeting.

Revision, re-enactment or amendment of ordinances.

Sec. 9. No ordinance shall be revised, reënacted, or amended by reference to its title only; but the ordinance to be revised or reënacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method for the adoption of ordinances.

Propositions reduced to writing and yeas and nays taken.

Sec. 10. Every motion, resolution, by-law, or ordinance introduced at any meeting shall be reduced to writing and read before any vote thereon shall be taken, and the yeas and nays thereon

Record of proceedings.

shall be recorded. A record of the proceedings of every meeting shall be kept by the city manager in a well-bound book, and every resolution, by-law, or ordinance passed by the city council, and

every motion made at any meeting, must be recorded in such book, and the records of the proceedings of the meetings must be signed by at least three members of the city council. Records to be signed.

Sec. 11. Any three citizens may appear before the city council at any of its regular meetings and may present a written motion. Said motion shall be acted upon by the city council in the regular course of business within fifteen days. Motion presented by citizens. Action within fifteen days.

Sec. 12. No member shall be excused from voting except upon matters involving the consideration of his own official conduct. In all other cases a failure to vote by a member who is present, or who, having been present, has withdrawn from the meeting without being excused, shall be deemed and shall be entered upon the minutes as an affirmative vote. Members not excused from voting. Failure to vote taken as affirmative.

Sec. 13. The city council of the city of Hickory shall, in addition to other powers herein given them, have full power and authority: Further enumeration of powers.

(*a*) To enact and enforce all ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove nuisances, and to preserve and to enforce the good government, order, and security of the city and its inhabitants, and to enact and enforce ordinances upon any subject: *Provided*, that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this charter: and *Provided further*, that the grant of particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this charter to grant and bestow upon the inhabitants of the city of Hickory full power of self-government to be exercised in accordance with the general plan of this charter. All ordinances of the city of Hickory, when printed and published and bearing on the title page thereof the words, "Ordained and published by the city of Hickory," or words of like import, shall be *prima facie* evidence of their authenticity, and shall be admitted and received in all courts and places without further proof. Power to pass ordinances. Proviso: ordinances to conform to general laws. Proviso: grant of particular powers not a limitation on general powers. Authenticity of ordinances.

(*b*) To exercise such control over and have power to require all public-service corporations, and all people doing a public-service business in the city of Hickory, to make such reports, and have a right to the inspection of such books and papers, as the North Carolina Corporation Commission has the right to control, require, and inspect under the laws now enacted, or which may be enacted, with reference to public-service corporations doing business in the State of North Carolina. Reports of public-service corporations. Inspection of books and papers.

(*c*) To summon and compel the attendance of witnesses, and the production of books and papers, before it whenever it may be deemed necessary for the more effective discharge of its duties, and shall have power to punish for contempt of said city council with the same fines and penalties that the municipal judge may impose for contempt of the municipal court of the city of Hickory. All processes necessary to enforce the powers conferred by this Compel attendance of witnesses and production of books and papers. To punish for contempt. Issue and service of process.

subsection shall be signed by a member of the city council, addressed to the city manager, and shall be served by him or any member of the police department.

Public improvements.

(*d*) To make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings. It shall

Taxation and revenue.

levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls, and claims, and order payment

Assessment for streets, sidewalks, and sewers.

thereof. It shall make all assessments for the costs of street improvements, sidewalks, sewers, and other work, improvements,

Contracts.

or repairs, which may be specially assessed. It shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the city council, or reduced to writing and approved by said council, or expressly authorized by ordinance or

Contracts drawn or approved by city attorney.

resolution adopted by the city council. All contracts, and all ordinances and resolutions relative to making contracts, shall be drawn by the city attorney, or submitted to such officer before the same are made or passed.

Orders to city manager.

(*e*) To issue, and it shall be its duty to issue, general and special orders, by resolution, to the city manager, giving him power and authority to carry out, in accordance with law, any administrative powers and duties, in addition to those herein expressly conferred, that the city council may deem wise.

Monthly reports from city manager.

(*f*) To require the city manager to present, once a month, a complete report, financial and otherwise, of the activities of the several departments of the city government, and special reports at any time.

Validation of acts.

(*g*) To validate any lawful act performed by any administrative officer of the city without its previous authority.

To declare forfeiture of franchises.

(*h*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, gas, power, or other public-service purposes, whenever the conditions upon which such franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered, or forfeited.

Streets, squares, and parks.

(*i*) To open new streets, change, widen, extend, and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and parks and other public property belonging to the city as it may deem best for the public welfare of the citizens of the city.

Parks outside city.

(*j*) To lay out, establish, and regulate parks within or without the corporate limits of the city for the use of the inhabitants of the same.

Public buildings.

(*k*) To erect, repair, and alter all public buildings; to condemn

Power to condemn land.

any land that may be required for the purpose of erecting any building or buildings for city hall, market houses, fire companies, graded and public schools, and for any other building, whether like

Proviso: procedure for condemnation.

those enumerated above or not: *Provided*, that the procedure in

such condemnation proceedings shall be the same as is herein provided for the condemnation of lands for streets.

(*l*) To accept any money or property for the purpose of any public or corporate use. Money or property for public use.

(*m*) To issue bonds of the city after they shall have passed an ordinance by a three-fifths vote of the city council at two separate regular meetings, submitting the question of issuing the same to a vote of the people, and after a majority of the qualified registered voters of the city shall have voted in favor thereof. No election for this purpose shall be held until thirty days notice thereof shall have been given by the city council in some newspaper published in the city of Hickory. At such election, those who favor issuing such bonds shall vote a ballot on which shall be printed or written the words "For Bonds," and those who oppose it shall vote a ballot on which shall be printed or written the words "Against Bonds." The city council, if it deem it proper so to do, may order a new registration of the voters of said city at any and all such elections. Power to issue bonds. Notice of election. Ballots. New registration.

(*n*) To appoint a city attorney for a term of twelve months at the first regular meeting in May of each year. It shall be the duty of the city attorney, in addition to other duties herein mentioned, to prosecute and defend all suits for and against the city, to advise the city council, the mayor, the city manager, and all officers and agents of the city in regard to matters connected with the city's business, and it shall be his duty, when required so to do, to attend the meetings of the city council, and to prepare such deeds, contracts, bonds, and other legal papers as may be required for the city's business. The city attorney shall receive an annual salary of not less than one hundred and fifty dollars nor more than three hundred dollars. In addition thereto, he may receive such extra compensation as the city council shall deem proper, for services rendered in the Superior or Supreme Court. Appointment and term of city attorney. Duties of city attorney. Salary. Extra compensation.

Article V.

The Mayor.

Section 1. The power and duties of the mayor shall be such as are conferred upon him by this charter, together with such others as are conferred by the city council in pursuance of the provisions of this act, and no others. Power and duties of mayor.

Sec. 2. He shall preside at all meetings of the city council and shall have the right to vote upon all questions. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes, and by the public for all ceremonial purposes. He shall have power to administer oaths. To preside and vote at meetings. Official head of city. Power to administer oaths.

Sec. 3. Such functions not enumerated in this charter as are conferred upon the mayor by the general laws of the State shall be exercised by the city manager, unless the city council designate some other person to exercise same. Powers of city manager.

Mayor pro tem.

Sec. 4. During the disability of the mayor the functions of his office shall devolve upon some member of the city council designated by that body at its first meeting in May of each and every year.

Article VI.

THE CITY MANAGER.

City manager.

Section 1. There shall be chosen by the city council an officer to be known as the city manager, who shall be the administrative head of the city government.

Administrative head of government.

Manager to take and subscribe oath of office and give bond.

Sec. 2. Before entering upon the duties of his office, the city manager shall take and subscribe an oath that he will faithfully perform the duties of his office, and shall execute a bond, with an incorporated bonding company or companies as surety or sureties, in favor of the city for the faithful performance of his duties.

Amount of bond.

The amount of the bond shall not be less than seven thousand five hundred dollars, and may be increased or a new bond required by the city council whenever it may deem it advisable.

Term of office.

Sec. 3. The term of the city manager shall be at the pleasure of the city council.

Personal interest in contracts forbidden.

Sec. 4. The city manager shall not be personally interested in any contracts to which the city is a party, for the supplying the city materials of any kind.

Attendance on and recommendations to city council.

Sec. 5. It shall be his duty to attend all meetings of and to recommend to the city council, from time to time, such measures as he shall deem necessary or expedient for it to adopt, and to furnish it with any necessary information respecting any of the departments under his control.

To keep minutes.

He shall accurately keep the minutes of the city council.

Notices to departments.

Sec. 6. He shall transmit to the heads of the several departments written notice of all acts of the city council relating to the duties of their departments, and he shall make designation of officers to perform duties ordered to be performed by the city council.

Designation of officers.

Contracts, licenses, and public documents.

Sec. 7. He shall sign all contracts, licenses, and other public documents on behalf of the city as the city council may authorize and require.

Access to books and papers.

Sec. 8. He shall have access at all times to the books, vouchers, and papers of any officer or employee of the city, excepting the city treasurer's books, and shall have power to examine, under oath, any person connected therewith.

To examine under oath.

Power to revoke licenses.

Sec. 9. He shall have power to revoke licenses pending the action of the city council.

Charge of public improvements.

Sec. 10. He shall have authority and charge over all public works, the erection of buildings for the city, the making and construction of all improvements, paving, curbing, sidewalks, streets, bridges, viaducts, and the repair thereof; he shall approve all estimates of the cost of public works, and recommend to the city

council the acceptance or rejection of the work done or improvements made; he shall have control, management, and direction of all public grounds, bridges, viaducts, and public buildings; he shall have control of the location of street car tracks, telephone and telegraph poles and wires; he shall have charge of the watersheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the city, and shall secure all rights of way and easements connected with the waterworks or sewerage systems or the extension of the streets, etc. All the powers enumerated, however, shall be exercised subject to the supervision and control of the city council.

Public grounds and bridges.

Public utilities.

Water supply.

Supervision of city council.

Sec. 11. He shall have power to suspend, fine, and dismiss any member of the police, fire, waterworks and sewerage and street departments in the interest of discipline. But any officer, appointed or elected by the city council to a position in said departments, who has been suspended, fined, or dismissed may appeal to the city council at any of its regular meetings, and it shall review his case, affirm or modify or reverse the order of the manager, and make any restitution within the law which it may deem advisable. The city manager shall promptly report all suspensions, fines, and dismissals as hereinafter provided in the article in reference to the police powers of the city of Hickory.

Power to suspend, fine, or dismiss officers.

Appeal to city council.

Report of suspensions, fines, or dismissals.

Sec. 12. The officers and other employees of the police department, fire department, street department, and the waterworks and sewerage department shall be elected for a term of one year from a list submitted to the city council by the city manager, and if the city council is unable or refuses to elect from the list so furnished, shall call on the city manager from time to time for other lists, which it shall be his duty to furnish.

Article VII.

Franchises.

Section 1. Every franchise or privilege to construct or operate street, suburban, or interurban railroads along, upon, over, or under any street, highway, or other public place, or lay pipes or conduits, or to erect poles or wires, or other structures in, upon, over, under, or along any street, highway, or other public place in the city for the transmission of gas or electricity, the conducting of a telephone system, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Grant of franchises.

Sec. 2. An applicant for a franchise or privilege shall file with the city council an application therefor, and thereupon the city council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers published in the city of Hickory and one or more daily newspapers published in the

Filing of application.

Advertisement of application.

Time of advertisement.

State of North Carolina. The publication of such advertisement must run for a period of thirty days and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application.

Contents of advertisement.

Sec. 3. The advertisement must state the character of the franchise or privilege it is proposed to be granted, and, if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation, or possession of the franchise.

Bids for franchises.

Sec. 4. At the time of opening the sealed bids, any responsible person, firm, or corporation, present in person or represented, may bid for such franchise or privilege not less than one-fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one-fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold, and awarded by the city council to the person, firm, or corporation offering the highest percentage of the gross annual receipts arising from the use, operation, or possession of such franchise: *Provided*, that if, in the judgment of the city council, no adequate or responsible bid has been made, the city council may withdraw such franchise from sale or advertise for new bids.

Proviso: advertisement for new bids.

Deposit on application and bid.

Sec. 5. Every application and bid for franchise under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Return of deposits.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approving of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Competition to be free, open, and impartial.

Sec. 6. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm, or corporation as against another in bidding for the purchase thereof.

Bond for performance of contract.

Sec. 7. The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city, to be approved by the council, in the penal sum by it to be prescribed

and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond. Such bond shall be filed with the city council within ten days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the city council be granted by ordinance to the person, firm, or corporation to whom it shall have been struck off, sold, or awarded; and in case it shall not be so filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited, and the franchise shall, in the discretion of the city council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Franchise granted on approval of bond.

Procedure if bond not filed.

Sec. 8. The maximum length of time for which a franchise or privilege to use the streets, highways, or other public places of the city may be granted to any person, firm, or corporation shall be thirty-five (35) years.

Maximum length of franchise.

Sec. 9. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise, and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than thirty months from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited: *Provided*, that if good cause be shown, the city council may by resolution extend the time for completion thereof not exceeding six months.

Time for beginning work.

Forfeit for failure.

Time for completion.

Forfeit for failure.

Proviso: extension of time.

Sec. 10. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare, and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient, and proper service and accommodations for the people and insure their comfort and convenience.

Franchise subject to regulation by city.

Sec. 11. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals, or charges made for the

Right to regulate fares and charges.

Transportation of city officials.

service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that officials, policemen, and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad, within the boundaries of the city, without paying therefor, and with all the rights of other passengers: *Provided, however,* the owners of any franchise or privilege or any responsible resident of the city of Hickory may appeal from any ordinance of the city council prescribing and regulating the rates, fares, rentals, or charges, to the Corporation Commission of the State of North Carolina, by filing with the city council a written notice of said appeal not later than ten days after said ordinance becomes effective. The city council shall thereupon send a copy of the ordinance and a complete certified copy of the record in the entire matter to the Corporation Commission of the State of North Carolina. As soon as practicable after the receipt of said record, the said Corporation Commission shall, and it is hereby authorized and empowered so to do, set a day for the hearing of said matter, giving all parties reasonable notice thereof and a full opportunity to be heard. After a full hearing the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable. Any party shall have the right to appeal from said Corporation Commission to the courts. All laws of the State of North Carolina that may be in conflict with this section are hereby expressly repealed in so far as they apply to the city of Hickory or to the persons, firms, or corporation owning or operating any public utility under the grant of any franchise or privilege by said city.

Proviso: appeal to corporation commission.

Record on appeal.

Hearing on appeal.

Decision by corporation commission.

Appeal to courts.

Repeal of conflicting laws.

Provision in franchise for purchase by city.

Sec. 12. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation.

Value of franchise not taken.

Franchise not transferable.

Sec. 13. Any franchise granted by the city shall not be leased, assigned, or otherwise alienated without the express consent of the city, and no dealings with a lessee or an assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent: *Provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Proviso: mortgage of franchise.

Duties of holders of franchises as to streets.

Sec. 14. Every grant of any franchise or privilege in, over, under, or along any of the streets, highways, or public places in the city for railway purposes shall be subject to the conditions that the person, firm, or corporation exercising or enjoying same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway, or other place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks. The city council shall be the judge as to when and how said sprinkling, cleaning, paving, and repairing shall be done, and shall determine the kind and amount of material and labor to be used in said sprinkling, cleaning, paving, and repairing. Every grant of any such franchise or privilege shall be subject to the condition that the person, firm, or corporation exercising or enjoying the same shall permit any one or more interurban or other lines, that at any time may desire to enter Hickory, to use its track for the purpose of reaching and leaving the business square of said city at a reasonable charge to be fixed by the city council.

Supervision of city council.

Condition for use of tracks and terminals.

Right to examine books and papers.

Sec. 15. The city of Hickory, by its city manager, or accountants authorized by its city manager or by the city council, shall have the right at all reasonable times to examine all the books, vouchers, or records of any person, firm, or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or such person, firm, or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual reports.

Report to be verified.

Contents of report.

Sec. 16. Every person, firm, or corporation operating any business under a franchise granted under this article shall file annually with the city manager on such date as shall be fixed by the city council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons or officer of the corporation as the city council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the city council, of all the gross receipts arising from all the business done by said person, firm, or corporation within the city of Hickory for the year immediately preceding such report. Such report shall contain such further statements as may be required by the city council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs, and betterments during such year.

Annual payments.

Forfeiture for failure to make payments.

Sec. 17. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payments of gross receipts shall apply to

every person, firm, or corporation using or operating the works constructed under such franchise.

Forfeiture for breach of contract.

Sec. 18. Every ordinance granting any franchise or privilege shall provide for the termination and the forfeiture thereof for any breach or failure to comply with any of the terms, limitations, or conditions thereof, and in all such cases the city council shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

City council to declare forfeiture.

Franchises forfeited for nonuse.

Sec. 19. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Article VIII.

Streets and street department.

Street department.

Section 1. The street department of the city of Hickory shall be composed of the city manager and such other employees as the city council may deem necessary to execute the duties of the department. The city manager shall be the executive officer of the department, and shall have the direction of the other officers and employees in the department, subject to the rules and regulations prescribed by the city council.

Executive officer.

Power and authority of city manager.

Sec. 2. The city manager shall have full power and authority, under ordinances of the city council, to grade, pave, macadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, avenue, and public alley of the city; to put down curbing, cross-drains, and crossings on the same; to lay out and open new avenues, streets, and public alleys, or widen those already open, and make such improvements thereon as the public convenience may require.

Property subdivided.

Sec. 3. No property lying within the city limits shall hereafter be platted or laid off into avenues, streets, alleys, blocks and lots, or into any of them, unless the same is done in compliance with the provisions hereinafter in this section mentioned or unless otherwise hereinbefore provided. The owner or owners of any property lying within the city limits shall present to the city manager for filing a blue-print of the proposed avenues, streets, alleys, blocks, and lots; whereupon, within five days after the blue-print is presented, the city manager shall determine whether the proposed avenues, streets, alleys, blocks, and lots conform to the avennes, streets, alleys, blocks, and lots abutting thereon. If found to so conform, he shall forthwith file the blue-print in his office, and the owner or owners of said property may after the filing as aforesaid plat and lay off said property in accordance with the blue-print so filed.

Plan of subdivision.

Inspection and approval of plan.

Sec. 4. That the city council shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets and sidewalks for permanent improvement, and of equalizing the assessment on real estate to pay the cost of such improvement as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this charter, for street improvement, the city council shall have power and authority to determine the kind of such improvements and the amount to be expended therefor, to pass ordinances assessing the cost of paving or macadamizing all such streets and sidewalks within any such district or section laid out for improvement on the real estate abutting on the street or sidewalk or portion thereof so paved or macadamized, and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk or part thereof so improved to pay the amount so assessed for such improvement, and such cost and charges shall be a lien on all such abutting property from the commencement of the work as provided in this article: *Provided*, that the city council shall not order such improvement district or section to be laid out until and unless two-thirds of the persons owning the land abutting on such street or sidewalk or public alley, or the portion thereof proposed to be improved, shall request in writing the city council to order such improvement district or section to be laid out: *Provided further*, that the city, out of its general funds, shall pay one-third of the cost of grading, curbing, and paving and permanently improving the streets, except that part required to be paid for by such street railways as is in this charter elsewhere provided; and the city shall pay one-half of the cost of grading, curbing, and paving and permanently improving the sidewalks: and *Provided further*, that the cost of such improvement shall be financed by the issue of bonds as herein provided.

Street improvement system.

Assessment of cost.

Assessment a lien on property.

Proviso: petition for improvement.

Proviso: apportionment of cost.

Proviso: bonds for street improvement.

Sec. 5. That if any street railroad company or other railroad company having tracks running through or across any street or streets laid out as permanent improvement districts or sections, it shall be incumbent on such company to pave, repave, macadamize or remacadamize or otherwise improve that part of such street or streets covered by its tracks, the space between the double tracks, and at least two feet on each side of each line of track as they are now or may hereafter be constructed by any such company: *Provided*, that the city council, in order to secure uniformity in the workmanship and avoid delay in the progress of the work, shall have full power and authority to pave or repave, macadamize or remacadamize, or contract for paving or repaving, macadamizing or remacadamizing, the whole of said space without giving such street railroad company or other occupant of the street or streets the option of having said space paved or repaved, macadamized or remacadamized by itself or otherwise, and the cost of such permanent improvement properly chargeable to such railroad company

Liability of railway and street railway companies.

Proviso: work may be done by city.

Assessment of cost.

shall be assessed upon the franchise or the property of said railway company located in said city, and special tax levies made thereon for the purpose of collecting same in the manner herein elsewhere provided for the assessment and levy upon other property so improved.

Notice to be given of work.

Sec. 6. All companies, corporations, and persons having franchises or permits to use the streets of the city for laying railway tracks, pipes, or conduits, and for other purposes requiring the excavation of the streets, sidewalks, and public alleys, shall be notified by the said council when any street is to be permanently improved, and given a reasonable opportunity to lay said railways, pipes, or conduits, or do such work as they may be authorized to do under said franchises, and in case any such company, corporation, or persons fail to lay said railway or pipes, or to do said work before such permanent improvements are made, they shall not be permitted to do so thereafter, except under the condition that they shall pay such reasonable proportion of the original cost of such permanent improvement as may be fixed by the city council.

Equalization of assessment.

Sec. 7. That in order to equalize the assessments on real estate for the purposes described, as elsewhere provided in this article, the city council shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement,

Cost prorated.

and then shall prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon each side of the street upon which said work is done its pro rata share of the cost of all such improvements as may be made under the provisions of

Proviso: property may be subdivided.

this article: *Provided, however*, in order to avoid obstructing lot owners in subdividing and selling their property by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit, subject to the provisions of section three of this article, and shall file in the office of the city manager a plat of the subdivision, making the lots fronting on the streets so paved or improved of any desired

Lien on front lots only.

frontage, but not less than one hundred feet in depth, and the assessment made and the liens created by virtue of this act for street improvement shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth, and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable proportion of said

Grade.

assessment and liens according to its frontage; that the city council shall cause to be established a permanent grade on any such street, sidewalk, or public alley so improved, and shall cause any such street, sidewalk, or public alley to be accurately surveyed,

Map of abutting property.

and a map to be made of the various lots and properties abutting on such street, sidewalk, or alley, or portion thereof so proposed to

be improved, showing the exact frontage of each lot, and also the subdivisions, if any; and the said map shall be filed with the city manager and be subject to public inspection; and when the assessments and liens, as provided for in this article, shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the city manager shall write upon said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens, and the date and amount of all payments made on any of the said assessments and liens: *Provided further*, where permanent street improvements shall be made, the property bearing such assessments shall not be assessed again until after the expiration of ten years from the date of the last preceding assessment: *Provided further*, that in case any street or part of a street laid out as a district for permanent improvement is of such unequal width or cost of material as to render the plan of equalization of assessments as above set out unjust to any abutting property, then in that case the city council is authorized to divide such district into subdivisions and to apply the rule of equalization of assessments prescribed herein to such subsections, instead of to the entire district or section; and the city council may make as many subsections as may be necessary to make a just distribution of the cost of permanent improvement made or to be made in such district. The cost of all such improvements shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon, as hereinafter provided.

Assessment entered on map.

Record of assessments.

Proviso: assessment for ten years.

Proviso: subdivision of improvement district.

Bonds and special tax.

Sec. 8. That the notice of the assessment by the city council, as herein elsewhere provided in this article, against abutting property on any street, sidewalk, or public alley in any such improvement district or section shall be given at least once a week for two weeks in some newspaper published in the city of Hickory, which notice shall state the time and place that such assessments are to be made and determined; and shall notify all persons interested in such assessment to appear and show cause, if any, why such assessment shall not be made; and in the event the owner of such lot or lots is an infant, idiot, lunatic, or incompetent, then his general guardian, if he has such, shall act for him; if he has none, it shall be the duty of the Clerk of the Superior Court of Catawba County to appoint a guardian *ad litem* to act for him. That any person who shall feel aggrieved by the findings of said council with reference to said assessment for such permanent improvements shall have the right within ten days after such findings of said council, and not after that time, to file his objections to such findings, and to appeal from the decision of said council to the next term of the Superior Court of Catawba County, by serving upon said city notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings, and by filing

Notice of assessment.

Right of appeal.

Bond on appeal.

within the time prescribed for taking appeals in the office of the Clerk of the Superior Court of Catawba County a written undertaking in at least the sum of two hundred dollars, with sufficient surety, to be justified before and approved by said clerk, to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the city council the ordinance laying out the improved district, the action of the said council in determining the assessment, the objections of the property-owner filed thereto, and all other papers material to the matter, shall constitute the case on appeal and be certified by the city manager to the Superior Court, and shall be docketed on the civil docket and stand at issue as other civil cases regularly brought in such court, with leave to either party to file such pleadings and papers as he may deem necessary; if all the issues be found in favor of the appellant on such appeal as above provided for, the lien for said assessments shall be discharged; if, however, the issues, or any of them, be found in favor of the city of Hickory, to any amount, then judgment shall be rendered in favor of said city for such amount, to the end that no merely technical objections shall defeat the rights of the city; and the amounts so found, together with the cost of such appeal, which cost shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the findings of said city council, and shall be collected by the city manager of the city of Hickory, as elsewhere in this article provided.

Case on appeal.

Personal notice.

Sec. 9. That in lieu of notice of publication to property-owners affected by improvements to abutting real property as elsewhere provided in this article, the city council, if it so determines, may give ten days personal notice to all persons affected by any permanent improvements for which a charge is to be made on real estate, to appear before said city council at a certain time and place to show cause, if any, why such assessment should not be made, which notice may be served by any policeman of the city of Hickory or any other proper officer.

Assessment mandatory on city council.

Sec. 10. This article shall be construed to make it mandatory on the city council to require abutting property-owners to pay their pro rata share of the cost of macadam, bitulithic, asphalt, vitrified brick, sand-clay, topsoil, and other permanent pavements assessed against the abutting property, as elsewhere provided for in this article: *Provided further*, that nothing in this article shall be construed to make it mandatory on the city council to issue bonds to finance the construction of sidewalks, but said city council may require the construction of sidewalks and charge one-half the cost of same, including curbing, to the abutting property, the property on each side of the street to pay or bear one-half the cost of the sidewalk on its respective side, which cost

Proviso: bond issue not mandatory.

shall be a lien on the abutting property as herein elsewhere provided, and paid immediately, or as soon thereafter as practicable, by the property-owners, and not by an issue of bonds as is elsewhere provided, if the city council so determine, and such charge or assessment shall be enforced and collected by the city manager by the sale of the abutting property specially benefited in the same manner as real estate is sold for taxes. Sale of property for assessment.

Sec. 11. As soon as the amount chargeable to real estate abutting on the street, avenue, or public alley to be so improved, as is provided in other sections of this article, is finally determined by the city council, and after the contract is let for any such work or improvement, the city council may cause a notice to be published once a week for two weeks in some newspaper published in the city of Hickory, substantially in the following form: Street improvement notice.

STREET IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been let for (describing work and street, sidewalk, or alley), and that the improvement chargeable to the abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city manager. It is proposed to issue bonds chargeable to the said real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of property file with the city manager, within the time stipulated in said notice, a written notice that they elect to pay the special assessments on their property, describing the same. Form of notice.

Sec. 12. After the expiration of the time fixed for filing notice of election to pay the special assessment as provided in the preceding sections, the city council may issue improvement bonds covering all of the assessments, except such as the owners have filed notice of election to pay, as stated in the preceding section. which bonds shall be of corresponding amounts and known as "Street Improvement Bonds"; shall comprise ten equal series; each series shall consist of a like number of bonds, and shall bear interest not to exceed six per cent per annum; and shall be sold for not less than par; and shall be signed by the city council and attested by the city manager; and shall contain such recitals as may be necessary to show that they are chargeable to particular property; and may be sold at either public or private sale; and the interest upon the said bonds shall be payable semiannually, and each installment of interest shall be represented by corresponding coupons; the respective series of the said bonds shall be payable annually, and the last series thereof shall be payable not exceeding ten years from the date of their issue; the proceeds collected by the city treasurer shall be paid to the contractor when due him, or the contract may provide that the contractor shall take Bond issue authorized. Entitlement of bonds. Series. Interest. Sale not below par. Authentication. Sale of bonds. Maturity. Payment of contractor.

bonds as payment on his contract, at not less than their par value, the contractor to be charged with accrued interest; at the date of each tax levy after the issuance of any such bonds until all of them are paid, when the tax roll or levy for the year is prepared, sufficient special assessments of taxes on each parcel of land covered by said bonds to pay the annual installment of the principal and interest on the amount of such special assessments then unpaid shall be included in the tax levy or roll, as a special tax on said property, and thereafter this tax shall be treated in all respects as any other city tax, to be collected in the same manner, and constitute a lien on the property affected, and in every respect the same as other taxes. The provisions of subsection (*m*) of section thirteen of article four shall not apply to the issuance of bonds in accordance with the provisions of this section.

Special tax.

Bond issue without election.

Street improvement fund.

Sec. 13. That all funds derived from assessments hereafter levied by the city council of the city of Hickory upon private property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the city of Hickory, constitute a special fund, to be designated as "Street Improvement Fund," and the same shall be kept separate from all other funds of the city, and a separate record thereof shall be kept by the city manager, and said funds and every part thereof shall be applied by the city council exclusively to the payment of the said bonds and interest on same or payment of said work.

Fund kept separate.

Separate accounts.

Specific appropriation.

Control and regulation of streets and public utilities.

Sec. 14. The city council shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of the city and make such improvements thereon as it may deem best for the public good, and may provide for and regulate lighting of the public parks and streets, and regulate, control, license, prohibit, and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate and control the use thereof, remove obstructions, encroachments, pollution or litter therein, and shall have under their government, management, and control all parks and squares within or without the city limits established now or hereafter to be established by the city council for the use of the city.

Cellars under sidewalks.

Sec. 15. The city council shall have power to prohibit cellars or entrances to cellars under the sidewalks of the city, or any obstruction upon the streets or sidewalks thereof.

Power of condemnation.

Sec. 16. When any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already opened, or other subjects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the city council, the same may be condemned and taken by the city council at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the city council and one by the owner or owners, and in case these two

Valuation by arbitration.

do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified so to do, then it shall be the duty of the city council to appoint a disinterested freeholder to act on the part of said owner or owners. In case the two first chosen shall fail or refuse to choose a third freeholder, then it shall be the duty of the city council to choose or select the third freeholder. In making the valuation, said freeholders, after giving the owner or owners or their agent notice, or giving a notice by publication in two issues of a weekly newspaper published in the city of Hickory in case the owner cannot be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also such benefit or advantage such owner or owners may receive from the opening, widening, or changing of such streets or other public improvements, and ascertain the sum, if any, which shall be paid to the owner or owners of said property, and report the same, in writing over the signatures of any two of them, to the city council, which report on being confirmed by the council and spread upon its minutes, shall have the effect of a judgment against the city of Hickory, and shall pass title of the land so taken to the city of Hickory, and the land so taken may at once be used by the city for the purposes intended: *Provided*, that if either the owner or owners whose land is taken, or the city council, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: *Provided, however*, that such appeal shall not hinder or delay the city council in opening or changing such street or making such improvements.

Notice to owners.

Report in writing.

Force and effect of report.

Proviso: right of appeal.

Proviso: appeal not to delay work.

Sec. 17. Every male resident in said city between the ages of eighteen and forty-five shall be liable to work the streets and public places of the city under the direction of the city manager not more than four days each year, unless he shall obtain from the city manager a certificate of exemption therefrom, for which he shall pay such sum as may be annually fixed by the city council, not exceeding two dollars.

Residents liable for street work.

Commutation.

Article IX.

Police Powers and Police Department.

Section 1. The city of Hickory shall have power, by ordinance duly passed, to establish and maintain the city police department, prescribe the duties of the policemen and regulate their conduct.

Police department.

(*a*) To permit, forbid, or regulate theaters, halls, dance houses, moving-picture shows, circuses, and other public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety, or good morals may demand.

Regulation of shows and amusements.

Suppression and punishment of gambling.

(*b*) To suppress gambling houses and to punish keepers and patrons thereof; to punish all persons who play cards or games of chance of any kind for gain, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings of lottery.

Explosives and combustibles.

(*c*) To regulate, control, and prohibit the keeping and management of houses or any building used for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas.

Prevention and abatement of nuisances.

(*d*) To define nuisances and prevent and abate the same, whether on public or private property, and to abate such nuisances by summary proceedings, and to punish the authors or keepers thereof by penalties, fines, and imprisonment.

Animals and fowls running at large.

(*e*) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowl of whatever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said city council, and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Transportation rates.
Regulation of traffic.

(*f*) To establish maximum rates for all kinds of transportation within the city limits and to prevent extortion; to regulate and to prohibit the blowing of whistles of railroad engines or locomotives within the city limits, and to regulate the speed of railroad engines and locomotives within said limits; to preserve order and prevent noise and confusion in or about the depot on arrival and departure of trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets or adjacent or near to said depot; and to provide and fix by ordinance public stands where hacks and drays, baggage wagons, or other public carriers shall stand on the streets for the purpose of soliciting business, and to prescribe that they shall not stand, excepting when discharging or receiving passengers or freight, at any points other than those designated in the ordinances as public stands.

Noise ordinances.

(*g*) To restrain and prohibit the ringing of bells or blowing of horns, bugles, and whistles, crying of goods or other noises, practices, or performances tending to the collection of persons on the streets or sidewalks, by auctioneers and others for the purpose of business, amusement, or otherwise, except judicial sales, sale for taxes, and the like; to prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of the city, and to prescribe a penalty by fine for nonobser-

Beggars.

ance thereof; to regulate the use of automobiles, motor cars, motorcycles, or any other motor vehicles, and the speed thereof; to prescribe the proper lighting of same, when used at night, and to prescribe the qualifications required of those using same upon the streets of the city, and to issue permits for the use of such vehicles. Motor vehicles.

(*h*) To prevent all boxing matches, sparring exhibitions, and punish all persons engaging therein; to prevent cock-fighting and dog fighting, and to punish all persons instigating or encouraging same. Boxing matches, cock and dog fighting.

(*i*) To prohibit and punish the abuse of animals. Abuse of animals.

(*j*) To license, tax, and regulate trades, occupations, and professions. License and regulation of trades, occupations, and professions.

(*k*) To prohibit bawdy-houses and punish keepers, inmates, and patrons thereof, and owners of buildings used for immoral purposes; to prohibit variety shows and to punish participation therein; to prohibit, prevent, and suppress assignation houses and houses of ill-fame, to determine such inmates and keepers to be vagrants, and to provide for the punishment of such persons. Bawdy-houses. Buildings used for immoral purposes. Variety shows. Houses of ill-fame.

(*l*) To require, on due notice, all steam or street railway companies owning tracks within the city limits upon public streets or highways of said city, which have been or may hereafter be abandoned by said companies by nonuse, to remove such tracks and to restore at their expense the street or way upon which abandoned track is located to its former condition. Removal of unused railway tracks.

(*m*) To control and regulate the location and use of all kinds of steam engines and steam boilers in the city, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort. Steam engines and boilers.

(*n*) To direct, control, and prohibit the laying of railroad tracks, turnouts, and switches in the streets, avenues, and alleys of the city, unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts, and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues, and alleys in said city, and to construct and keep in repair suitable crossings and gates at the intersection of streets, avenues, and alleys and suitable ditches, sewers, and culverts, where the city council shall deem it necessary. Railroad tracks, turnouts, and switches. Crossings and gates.

(*o*) To make such rules and regulations in relation to butchers, bakers, and dairymen as they may deem necessary and proper; to establish and erect markets and market houses, and designate, control, and regulate market places and houses, dairies and bakeries, whether kept within or without the city limits, from which meat, bread, or milk is offered for sale within the city limits, and to punish the owners or keepers thereof for the violation of any ordinance or regulation of the city council, by penalties, fines, and imprisonment. Butchers, bakers, and dairymen. Markets and market houses.

Introduction of paupers and diseased persons.

(*p*) To prohibit and punish by fine the willful introduction into the city, by railroads or other carriers, of paupers or persons afflicted with contagious diseases,

Use of explosives and fireworks.

(*q*) To license, tax, regulate, control, restrict, and prohibit the use of and explosion of dynamite, firecrackers or other explosives or fireworks of any and every kind, whether included in the above

Noises and other annoyances.

enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity, or otherwise.

Building regulations.

(*ee*) To inspect the construction of all buildings in the city, and prescribe and enforce proper regulations in regard thereto, and regulate and locate or prohibit the erection of all poles in the city, and cause the same to be changed.

Chief of police and other officers.

Sec. 2. The police department of the city shall be composed of the chief of police and as many other officers and patrolmen as shall be from time to time provided by ordinance of the city council.

Discipline and efficiency of force.

Sec. 3. The chief of police, acting under the city manager, shall be responsible for the discipline and efficiency of the police force.

Orders.

All orders shall pass through him, except so far as the rules, regulations, and orders of the city council authorize orders to be given

Dismissal, suspension, and fines.

direct to any subordinate on the police force. In addition to the power of dismissal vested in the chief, any member of the force, including the chief, may be removed, suspended, or fined by the city management upon proper cause shown; and in cases where a fine is imposed, it may in the discretion of the city manager be deducted from the officer's pay; and a person may be appointed by the city manager to discharge the duties of such suspended officer or member until the grounds of such suspension can be inquired

Report of punishment.

into by the city council; and it shall be the duty of the city manager to report in writing the dismissal, suspension, or fine within three days, with the reasons therefor, to the city council, and also furnish such dismissed, suspended, or fined officer or member with a copy thereof within like time. Whereupon the city council shall hear and determine any and all charges against the officer or member of the police force.

Additional officers.

Sec. 4. In case of emergency, the city manager shall have power to appoint additional officers and patrolmen for temporary service, but the length of time for which such additional officers or patrolmen shall be employed shall be limited to the time during which such emergency may exist.

Duties of policemen.

Sec. 5. The police force shall preserve the peace, protect persons and property, obey and strive to enforce so far as it has power all the ordinances of the city and all criminal laws of the State and

Badge and uniform.

the United States; and each member thereof shall wear a badge and uniform while on duty, so that the people may recognize him

as a peace officer: *Provided*, the city council may provide for special ununiformed officer or officers. Proviso: special officers.

Sec. 6. The chief of police and each member of the police force shall have power and authority to preserve the peace within the city. They shall execute all process directed to them by the municipal judge of the city, and all civil and criminal process directed to them by a justice of the peace or other lawful officer in said jurisdiction. Power to preserve peace. Execution of process.

Sec. 7. The chief of police shall give bond in such sum as the city council shall prescribe for the faithful discharge of the duties of his office and for a faithful account of all moneys that may come into his hands by virtue of his office. It shall be his duty to attend the municipal court each day and report any violation of law or ordinance of the city; to collect all fines and penalties imposed and pay the same to the clerk of the municipal court; to execute the process and judgments of said court, and to perform such other duties as may be required of him by law and by the rules and regulations of the city council or city manager. Chief to give bond. Duties.

Sec. 8. The salary of the chief of police and the compensation of the other officers and patrolmen of the police department shall be fixed by the city council, and they shall receive no other compensation for their services. All fees now and heretofore prescribed to be taxed as their costs shall be paid to the clerk of the municipal court. Salary of chief and policemen. Fees to clerk of municipal court.

Article X.

Health and Health Department.

Section 1. The city of Hickory shall have power, by ordinance duly passed, to regulate burial grounds, crematories, and cemeteries, and to prohibit burial within the city limits, if deemed advisable or if found necessary to protect the public health. The city of Hickory shall have power to acquire land and grounds inside or outside of the city limits, by purchase, gift, or otherwise, to be devoted and used for the purpose of a public and private cemetery, and to pass such suitable regulations concerning the burial of the dead in such cemetery and make such suitable regulations for the private sale of lots therein as may be deemed proper by the city council; and the said city shall have power to appropriate private property lying within or without the city limits to be used and devoted for cemetery purposes as herein stated, by condemnation proceedings brought for such purpose, and in all such cases the proceedings had to condemn shall conform to provisions hereinbefore contained for condemnation of land for streets in article eight, section sixteen. Burial grounds, cemeteries, and crematories. Ground for cemetery. Burial regulations. Sale of lots. Power to condemn land. Proceedings for condemnation.

Sec. 2. The said city shall also have power, by ordinance duly passed, to condemn as nuisances all buildings, cisterns, wells, privies, and other erections in the city which on inspection shall be found to be unhealthy, unsanitary, or dangerous to persons or Power to declare nuisances.

property, and cause the same to be abated or removed, at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the city council, shall reconstruct the same in such a manner as shall be prescribed by the laws of the city; and as to all buildings, cisterns, wells, privies, and other private improvements to be constructed in future, they shall have the power and it shall be their duty to have the same so constructed as not to interfere with the health of persons or the safety of persons or property within the city.

Building regulations.

Night-soil and other refuse.

Sec. 3. The city of Hickory shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the city reasonable charges for the removal of night-soil or other refuse matter from the closets or the premises thereof, and to prohibit any one, except some one in the employ of the city or by the city authorized to do so, from removing or carrying away the contents of any privy, vault, or water-closet or any receptacle of human excrement; and the city shall have the right to have inspected the premises of all persons, at any hour during the daytime, in the interest of public health; and for the purpose of making such inspection the officers or agents of the city duly authorized to do so shall have the right to enter upon the premises of any person at any hour during the daytime to make said inspection. Whenever notice is given by any officer or employee of the city inspecting any premises that said premises need cleaning, the said night-soil or other refuse matter shall be removed, and the owner or tenant of said premises shall pay to the city the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined upon conviction in the municipal court in any sum not less than one dollar nor more than two hundred dollars.

Inspection of premises.

Right of entry.

Removal of refuse.

Penalty.

Sewerage connection.

Sec. 4. The city council may require all owners, tenants, and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the city may own, construct, or control, or that it may acquire by purchase or otherwise, to connect with such sewer or system of sewerage all water-closets, sinks, or drains located upon their respective property or premises, so that their contents may be made to empty into such sewer or system of sewerage: *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the city to make sewer connections or do any other thing the performance of which the city council has the power to compel, such tenant or occupant shall have a lien upon the property for reimbursement, if the primary obligation to do the same was on the landlord, said lien to be enforced by competent proceedings in any court of competent jurisdiction; and the tenant or occupant may, when so entitled, under the general principles of set-off, use such claim against his liability for rent.

Proviso; lien of tenant for disbursement.

Claim used as set-off.

Markets and abattoirs.

Sec. 5. The city council shall have power to establish, lease, buy, erect, maintain, own, and regulate and operate markets and market places, abattoirs, and to build, own, and maintain buildings therefor, and to rent and lease the same.

Butchers and hucksters.

Sec. 6. (*a*) The city council shall have power to regulate, license, or prohibit butchers and prevent their slaughtering animals within the city limits, and to revoke their license for malconduct in trade, and to regulate and license the sale of fresh meats, fruits and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughter-houses or the slaughter of animals within the city limits.

Inspection of dairies and creameries. License fees.

(*b*) To provide for the inspection of dairies and creameries inside and outside of the city limits and doing business within the city, and to charge and provide license fees for said inspection; to establish and maintain a standard of sanitary conditions governing dairies and creameries inside and outside of the city doing business within the city; to establish and maintain a standard of quality of all dairy products sold in the city, and to provide for penalties for the violation thereof.

Standard of condition and quality.

Unwholesome and nauseous places of business.

(*c*) To compel the owner or occupant of any grocery, soap, tallow, or candle establishment, or blacksmith shop, tannery, stable, slaughter-house, or other building, or sewer, privy, hidehouse, or other unwholesome or nauseous place or house, to cleanse, remove, fill up, repair, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

Quarantine regulations.

(*d*) To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within one mile thereof.

Destruction of infected property.

(*e*) To authorize the destroying of clothing, bedding, furniture, and buildings infected with the germ of any infectious and dangerous disease, when the public health requires the destruction of the same, and may also, by ordinance duly passed, authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of the city.

Unwholesome and filthy substances.

(*f*) To prevent any person from bringing, depositing, or having within the city limits the carcasses of any dead animals or other unwholesome substance or matter of filth of any kind, and to require prompt removal of the same and impose all necessary penalties for the enforcement of such powers.

Vital statistics.

(*g*) To regulate the burial of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons, and others for any default in the premises.

City health department.

Sec. 7. The city of Hickory shall have power, by ordinance duly passed, and it shall be its duty, to establish and maintain the city health department, to be composed of the city physician, to be appointed by the city council for a term of two years; a sanitary

City physician to nominate subordinates.

officer, who may also be a police officer, and such other employees as the city council may deem necessary. The city physician shall present a list of names for the subordinate positions in the health department, and the city council shall select aforementioned subordinate officers from this list.

Chief health officer. Employees.

Sec. 8. The city physician shall be the chief health officer of the city, and the sanitary officer and other employees, if any, of the department shall obey his orders and instructions.

Proposal of health ordinances.

It shall be his duty from time to time to present in writing to city council proposed health ordinances, which the city council may adopt or reject, but cannot amend.

Abatement of nuisances.

Sec. 9. The city physician, the sanitary officer, or other officer designated by the city council for this purpose, shall have power to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything within the city limits, or within a mile of said limits, which is dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Charge and collection of expense.

Sale or offer of unsound articles a misdemeanor. Punishment.

Sec. 10. It is hereby declared a misdemeanor for any person to sell or offer for sale in the city any unsound articles for food, and any person convicted of any violation of this section shall be fined or imprisoned in the discretion of the court.

Article XI.

Fires and Fire Department.

Fire companies and fire department.

Section 1. The city council shall have power to provide for the organization, equipment, maintenance, and government of fire companies and a fire department; and in its discretion may provide for a paid fire department, and for this purpose may create such offices and employees with such compensation as to the council may seem right and proper: *Provided*, the organization and government of fire companies or fire department shall not be inconsistent with the provisions of this article.

Proviso: organization and government to conform to law.

Executive officer.

Sec. 2. The chief of the fire department shall be the executive officer of the department or companies, under the direction of the city manager, and shall have direct control of the other officers, firemen, and employees in the department or companies, under such rules as may be adopted by the city council.

Police power during fires.

Sec. 3. The chief of the fire department and his assistants shall have full police powers while on duty during fires, and are authorized to make arrests without warrant for interference with or obstruction to their operation.

Fire apparatus to have right of way.

Sec. 4. In the event of an alarm of fire the apparatus of the fire department or companies shall have the exclusive right of way in and upon streets, alleys, squares, and railroad crossings in going to any fire; and while going to a fire, as well as at a fire, it shall be unlawful for any person whatsoever to interfere with the fire-

Interference with apparatus or officers a misdemeanor.

men or their apparatus or appliances in any way, and the city council shall, by proper ordinances, provide for the punishment of any person so interfering.

Dismissal, suspension, and fines.

Sec. 5. The city manager and chief of the fire department shall have the same power and authority in reference to the dismissal, suspension, or fining any officer or member of the fire department or companies as that provided to be exercised by the city manager and chief of police in reference to the officers or members of the police department.

Fire limits.

Sec. 6. The city council may establish and maintain fire limits in the city, in which it shall be unlawful to erect, alter, and repair wooden buildings or structures or additions thereto; it may also prohibit the removal of buildings or additions or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Building regulations.

Sec. 7. The city council may make rules and regulations governing the erection and construction of buildings in the city so as to make them as safe as possible from fire; and in case of fire the mayor, or a member of the city council, the city manager, and the acting chief of the fire department, or the acting chief of the fire department and any two of the other officers named, may order the blowing up, tearing down, or destruction in any other way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no individual shall be held liable, civilly or criminally, for acting in obedience to the orders thus given.

Orders for destruction of buildings at fires.

Article XII.

Waterworks and sewerage department.

Waterworks and sewerage department.

Section 1. The waterworks and sewerage department shall embrace all property, rights, and obligations of the city of Hickory in respect to waterworks and sewerage, and shall in so far as practicable be administered as an entity. To that end all contracts, records, and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department or branch of the city government.

Contracts and records.

Accounts kept separate.

Personnel of department.

Sec. 2. The waterworks and sewerage department of the city of Hickory shall be composed of the city manager and such other officers and employees as the city council may deem necessary to execute the duties of the department. The city manager shall be the executive officer of the department, and shall have the direction of other officers and employees, subject to the rules and regulations prescribed by the city council.

Executive officer.

Power to acquire and hold property.

Sec. 3. The city council shall have the power to acquire and hold, in the name of the city, rights of way, water rights, sewerage outlets, and other property within and without the city limits,

Power to condemn property.

and the city council shall have power to condemn and take rights of way, easements, water rights, sewerage outlets, and other property within and without the corporate limits of the city for the purpose of extending, getting, storing, maintaining, and furnishing a pure and adequate water supply, and of extending, maintaining, and furnishing an adequate system of sewerage, and of securing proper and adequate outlet or outlets therefor. The proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Proceedings in condemnation.

Supervision and control of system.

Rates.

Sec. 4. The city manager shall have, under ordinances of the city council, entire supervision and control of the maintenance, improvement, and management of the said system, and shall fix such uniform rates for water and sewerage as he may deem advisable and just, and shall fix the time or times when said water and sewerage rents shall become due and payable.

Unauthorized connection forbidden.

Sec. 5. When any water or sewerage connections are discontinued by any officer or agent of the city in accordance with the provisions of an ordinance, it shall be unlawful for any person, firm, or corporation, other than the city council, or its agents or employees, to make said connections or use the same, without having first obtained permission from the city manager or some officer of this department.

Appropriation of water and sewer rents.

To operating expenses.

Interest on bonds.

Sinking fund.

Sec. 6. The city council shall, out of any money received by it from the operation of the waterworks and sewerage system, pay, first, the operating expenses of said systems; second, the interest upon such of the bonds of the city of Hickory as were sold for the purpose of raising money to erect, construct, and enlarge said system, and the balance remaining shall be invested by the city council, and shall remain and be known as a sinking fund to meet the payment of said bonds at their maturity.

Inspections and reports of watershed and supply.

Sec. 7. That the city physician shall devote such time as may be necessary to the inspection of the public watershed and examinations of the public water supply, and make his reports of the same to the city council.

Interference with waterworks a misdemeanor.

Punishment.

Sec. 8. If any person or persons shall maliciously or willfully divert the water or any portion thereof from the said waterworks, or shall corrupt or render the same impure, or shall injure or destroy or obstruct any canal, aqueduct, pipe, or other property used or acquired for the proper operation of said systems, or either of them, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or shall be imprisoned not exceeding one year, at the discretion of the court.

Extension of waterworks and sewerage.

Sec. 9. The city council shall have full power and authority to apply by ordinance the provisions of section four to section thirteen inclusive of article eight to the extension of the waterworks and sewerage systems of the city of Hickory. An ordinance applying said sections to said systems shall, for any and all intents and purposes, have the same effect as if said sections were herein set forth.

Article XIII.

finance and taxation.

Section 1. No contract shall ever be made which binds the city to pay for personal service to be rendered for any stated period of time, but all contracts involving personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city; nor shall the city of Hickory, or any one acting for it, make any contract for supplies for current use for any department of the city for a longer period of time than twelve months, and so far as practicable all supplies purchased for the use of any or all the departments of said city shall be made or let upon competing prices therefor. Contracts for personal services. Contracts for supplies.

Sec. 2. No contract shall be given until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts whenever practicable shall be upon specification, and no contract shall be binding upon the city unless it has been signed by the city manager and by a member of the city council who shall have been duly authorized to sign the said contract by an ordinance adopted at a regular meeting of the city council, and the expense thereof charged to the proper appropriation. Whenever the contracts charged against any appropriation equal the amount of said appropriation, no further contract shall be signed. Appropriation to precede contract. Contracts upon specifications. Execution of contracts. Contracts not to exceed appropriations.

Sec. 3. All tentative or proposed contracts of whatever character pertaining to public improvements or the maintenance of public property of said city involving an outlay of as much as two hundred dollars shall be submitted upon specifications to be prepared and submitted to and approved by the city council, and after such approval advertisement for the proposed work or matters embraced in said proposed contract shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall appear at least twice in some weekly newspaper or at least five times in a daily newspaper published in the city of Hickory. All bids submitted shall be sealed, shall be opened by the mayor in the presence of the city council in a meeting assembled, and shall remain on file in the city manager's office and be open for public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The city council shall determine the most advantageous bid for the city and shall enter into a contract with the parties submitting the same. However, the city council shall always, in every advertisement of public work or contract involving as much as two hundred dollars, reserve the right to reject any and all bids. Pending the advertisement of work or contract proposed, specifications therefor shall be on file in the office of the city manager, subject to the inspection of all parties desiring to bid: *Provided*, this sec- Contracts subject to approval of council. Advertisement for bids. Sealed bids. Bids open for inspection. Award of contract. Right to reject bids. Specifications on file for inspection. Proviso: exceptions.

tion shall not be construed to prohibit the city council from having work done by day labor, from purchasing materials in accordance with the other provisions of this charter and under such rules and regulations as said council may by ordinance prescribe: and

Proviso: lighting contracts.

Provided further, this section shall not be construed to apply to contracts for lighting the streets and public buildings of the city.

Purchasing agent.

Sec. 4. The city manager shall be the purchasing agent of the city council, and all property, supplies, and material of every kind whatsoever shall, upon the order of the city council, be purchased by him, and when so purchased, the bills therefor shall be submitted to and approved by the city council before the same are paid.

Bills submitted to and approved by council.

Estimate and apportionment of revenue.

Sec. 5. The city council shall during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city for the next fiscal year, and apportion the same, together with any surplus left over to the general fund from the preceding year, as herein provided, to the several departments of the city government, reserving from said estimate not more than ten per cent and not less than seven per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpended portion of said reserved fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the said council shall deem advisable, and in order to enable the said council to properly make the apportionment hereinbefore required, the city manager and the head of each department of the city shall, at least ten days before said apportionment is made, furnish in writing to said council estimates in detail of the amounts needed. The estimates in detail furnished by the city manager shall be of the amounts needed for the entire city government, and those furnished by the heads of the departments of the amounts needed for their respective departments, all of which estimates shall be considered by the city council in determining the amount apportioned to each department of the city. Any apportionment made by the city council to any department of the city may at any time be increased or reduced or may be diverted from one department to another by a majority vote of the city council. If at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds of the city, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each month during the fiscal year each of the heads of the various departments of the city shall file with the city manager an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid and for what and from whom received. The city manager, at the first of each month during the fiscal year, shall file with the city council an itemized report of

Emergency fund.

Details of estimate.

Estimates from city manager and heads of departments.

Alterations of apportionment.

Surplus to general fund.

Itemized monthly accounts.

Itemized monthly accounts of city manager.

all moneys received and disbursed by any and all officers of the city government during the preceding month, and showing from whom and for what such money was received and to whom and for what paid. To the said report shall be attached the monthly reports of each of the heads of the various departments of the city. The city manager's report for the preceding month shall be published during the second week of each month in some newspaper published in the city of Hickory. Report to be published.

Sec. 6. That at their first meeting in May of each and every year, or as soon thereafter as is practicable, the city council shall, by ballot, elect a city treasurer, who must be a person other than the city manager, and who shall receive a sum not exceeding one-third of one per cent of the amount of funds paid into his office. Election of city treasurer. Commission of treasurer.

Sec. 7. The city treasurer shall give bond in some bonding company, in such form and with such conditions as may be required by the city council. The amount of said bond shall not be less than seven thousand five hundred dollars, and the same to be approved by the city council, said bonds to be paid out of the regular expense funds of the city. It shall be his duty to call on all persons having in their hands any moneys or securities belonging to the city which ought to be paid and delivered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants signed by the city manager and countersigned by some other person to be designated by the city council. All moneys belonging to said city and received by any officer or agent thereof from any source whatsoever shall, unless otherwise herein directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep in books provided for that purpose, a full and correct account of all moneys received and disbursed by him and shall render a statement of his receipts and disbursements to the city council at the first of each month, and at such other times as may be required of him by said council. The city council shall have the right to require a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall do no official act until said bond shall be given and approved in the manner aforesaid. The city council may, in their discretion, select one or more banks in the city as depository banks for the city of Hickory, and should such bank or banks be so selected as above provided it shall then be the duty of said treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to his credit as treasurer in one or more of said banks, and such depository bank or banks, before any such deposit is made therein, may be required to enter into an obligation with the said city council to pay into the treasury of said city interest at a rate to be fixed by said city council, not exceeding legal rate of interest in North Carolina, which shall be paid at the end of each Treasurer to give bond. Amount of bond. Duty of treasurer. City warrants. Moneys paid over to treasurer. Accounts of treasurer. Monthly statements. Renewal of bond. Depository banks. Interest on deposit.

month and shall be based on the daily average balances for the month: *Provided*, the rate of interest to be paid by said bank or banks may at any time be changed by the city council, but never to exceed legal rate. The said bank or banks may, in the discretion of the city council, be required also to execute a good and sufficient bond with sureties to be approved by the city council, and conditioned that such bank or banks will safely keep and account for and pay over said money on demand and as ordered by the city council. All interest paid by any such bank upon such balance shall be collected by the treasurer of the city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general funds of said city, subject to its use for any legitimate or municipal purpose. That whenever required by this charter or by the city council, said treasurer shall keep the funds and the accounts thereof of the different departments of the city separate. Said treasurer shall do and perform such other acts as the city council may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his successor in office all the moneys, securities, and other property which are or ought to be in his hands by virtue of his office.

Proviso: change of interest rate.

Bond of depositories.

Collection and report of interest.

Funds kept separate.

Other duties.

Settlement with successor.

Powers and liability of city manager.

Duty to collect taxes.

Penalty for retention of money.

Credits on settlement.

Charges on settlement.

Approval and record of accounts.

Sec. 8. The city manager in the collection of taxes shall be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the city council, and he shall be charged with the sums appearing on the tax list as due for city taxes. He shall at no time retain in his hands over two hundred dollars for a longer time than seven days, under a penalty of ten per cent per month, to be paid to the city upon all sums so unlawfully retained. In his settlement with the city treasurer he shall be credited with all poll taxes and taxes of personal property which the city council shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the council, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided. After the accounts of the city manager shall have been audited and settled, the same shall be reported to the city council, and when approved by them the same shall be recorded in the minute-book of said council, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Subjects of taxation.

Sec. 9. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the city, the city council shall have power, and they are hereby authorized, to levy and collect, for general purposes, an annual *ad valorem* tax on all real and personal property within the corporate limits of said city, and on all personal property, including money on hand and solvent credits owned by residents of said city, and on all other property

subject to an *ad valorem* tax under the laws of the State of North Carolina, not exempt from taxation by the Constitution and laws of the said State, of and at the rate of not exceeding ninety-five cents on the one hundred dollars valuation of said property and a tax not exceeding two dollars and eighty-five cents on each taxable poll, and for the purpose of paying interest on municipal bonds the city council shall levy and collect an annual *ad valorem* tax on all property subject to taxation, as hereinbefore provided, of not more than thirty-five cents on the one hundred dollars valuation of said property and a tax not exceeding one dollar and five cents on each taxable poll. The term "real property," as used in this article, shall be construed to mean the same as defined in section two thousand eight hundred and fifty-seven of the Revisal of one thousand nine hundred and five, and the term "personal property" as used in this article shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September the first of each year, and a discount may be allowed by the city council for the payment of taxes, as follows: For the payment of all taxes during the said month of September, two per cent; during the month of October, one per cent; during the month of November, one-half of one per cent; and for all taxes not paid prior to January the first following, the city council shall charge the following penalties: For taxes paid during the said month of January, a penalty of one per cent; during the month of February, a penalty of two per cent; and for each additional month, or a fraction thereof, thereafter said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes.

Tax rate.

Tax for interest on bonds.

Rate.

Real property construed.

Personal property construed.

When taxes due.

Discount.

Penalties.

Sec. 10. The said city council may also levy and collect for general purposes a tax upon all dogs kept in the city, and which may be so kept on the first day of May of each year. The said tax shall not exceed five dollars, and any dog so taxed shall be the subject of larceny: *Provided*, that a discrimination within the limit above fixed may be made by said council on the different species and sexes of dogs.

Dog tax.

Limit.

Dogs subjects of larceny.

Proviso: discrimination as to species and sex.

Sec. 11. The city council shall have power to provide all ordinances for the assessing and prompt collection of all taxes, and to regulate the manner, mode, and form of making out and swearing to tax lists or inventories and the appraisement of property in said city, and to prescribe how and when property shall thus be rendered, and shall also prescribe the number and form of assessment rolls and fix and define the number, the duties and powers of list takers, appraisers, and all other officers or agents that may be necessary for collecting the taxes; and shall adopt such measures and regulations and prescribe and enforce such penalties as it may deem advisable to secure the due and proper assessment of all property within the limits of the city and the collection of taxes

Ordinances for listing, assessment, and collection of taxes.

List takers, appraisers and other agents.

Collection by distress.

thereupon. If all of such taxes are not paid on or before the first day of March next following the listing of said taxes, the city manager shall proceed to collect such taxes and penalties by distress and sale as provided by law.

City manager to prepare delinquent list.

Sec. 12. The city manager shall, after the most diligent inquiry, and by comparing his book with the county tax books, make out a list of all persons liable for poll tax, or for taxes on property, who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all property not listed, and shall enter such persons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double tax except on application to the city council and for causes shown.

Double taxes.

Excuse by council only and for cause.

Failure to list a misdemeanor.

Sec. 13. All persons who own property and who willfully fail to list it within the time allowed by law, and all persons who are liable for poll tax to the said city and who shall willfully fail to give themselves in, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the city manager to prosecute the offenders against this section.

Punishment.

City manager to prosecute.

Lien for taxes.

Sec. 14. The lien for taxes for any and all purposes in each year shall attach to all the real estate of the taxpayers within the city on the first day of June annually, and shall continue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien for taxes on the personal property of the taxpayer until there has been a tax levy thereon.

Lien on personal property.

License taxes.

Sec. 15. That in addition to the subjects listed for taxation the city council, for the purpose of raising revenue, may levy an annual license tax on the following subjects, the amount of which taxes shall be collected by the city manager, and if not paid when due, the same may be recovered by suit brought in the name of the city, or the articles upon which the tax is imposed or any other property of the licensee may be forthwith distrained and sold to satisfy said tax, namely:

Collection.

Peddlers.

(*a*) Upon all itinerant merchants or peddlers vending or offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine by whomsoever manufactured; and not more than one person shall peddle under a single license.

Games and tables.

(*b*) Upon every billiard table, bowling table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand, or place for any other game or play, with or without a name, kept for hire, or in a house used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars.

Hotels.

(*c*) Upon every hotel, a license tax not exceeding fifty dollars; upon every boarding-house with more than ten boarders, and every

restaurant and eating-house, a license tax not exceeding twenty-five dollars; and the city council may levy the license taxes provided for in this subsection according to the size, patronage, or income of the hotels, boarding-houses, restaurants, and eating-houses. Boarding-houses, restaurants and eating-houses.

(*d*) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the city, or within one mile of the corporate limits, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding twenty-five dollars, the tax to be paid before exhibition, and if not, to be doubled. Circus and circus riders. Side-shows.

(*e*) Upon every person or company exhibiting within the city, or within one mile of the corporate limits, any stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, high diving, wire dancing, or menageries, a tax not exceeding twenty-five dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting or the same shall be doubled. Stage plays and other plays.

(*f*) Upon every exhibition for reward of artificial curiosities, models for useful inventions excepted, within the city or within one mile thereof, a tax not exceeding twenty-five dollars, to be paid before exhibiting or the same shall be doubled. Artificial curiosities.

(*g*) Upon each show or exhibition of any other kind, and on each concert for reward unless for religious or charitable purposes, or by pupils of schools of the city, for school purposes, within the city or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting, or the same shall be doubled: *Provided, however*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed. Other shows and concerts. Proviso: shows in licensed halls.

(*h*) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars. Auctioneers.

(*i*) Upon every stock and bond broker, oil agent, dealer in or manufacturer's agent of musical instruments, keeper of livery stables or stock-yards doing business within the city, a license tax not exceeding ten dollars a year. Brokers, oil agents, venders of musical instruments, livery stables and stock-yards.

(*j*) Upon every person engaged in the business of posting, distributing, or tacking up bills, posters, signs, or advertisements of any kind, a license tax not exceeding twenty-five dollars. Bill-posters.

(*k*) Upon every shooting gallery, skating rink, street huckster, ice dealer, dealer in wood and coal or either, a license tax not exceeding twenty dollars a year. Shooting galleries, skating rinks, hucksters, ice dealers and fuel dealers.

(*l*) Upon every telephone or electric light company, power company, street railway company, waterworks company, furnishing water to the citizens of Hickory, or gas company, a license tax not exceeding one hundred dollars per annum. Public-service companies.

(*m*) Upon each marble yard, undertaker, plumber, persons putting gas or water fixtures in houses or yards, and persons engaged Marble yards, undertakers, plumbers, pipe-fitters, electricians.

in the electric wiring of buildings for light, power, or heat, a license tax not exceeding ten dollars.

Further enumeration of subjects of license tax.

(*n*) Each garage, rope walker, itinerant dealer in lightning-rods and stoves, every dealer in fertilizer, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, buggy or wagon agent, or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory, tobacco factory, tobacco warehouse, each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward except for religious or charitable purposes, each dairy wagon, dairy vehicle, land agent or land broker, each butcher, persons selling jewelry or any other article having a prize given therewith, each printing office, each dealer in patent rights, a license tax not exceeding ten dollars.

Banks, junk shops, mills, manufactory, machine shops and foundries.

(*o*) Upon every bank or banker, each junk shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, a license tax not exceeding fifty dollars a year.

Merchants, commission merchants, and brokers.

(*p*) Upon all merchants, commission merchants and commercial brokers, a license tax not exceeding twenty dollars a year.

Transfer lines.

(*q*) Upon every omnibus, hack, cab, carriage, dray, baggage wagon, automobile, used to transport persons, baggage, freight, or other articles for hire, a license tax not exceeding twenty dollars.

Moving-picture shows.

(*r*) On moving-picture shows, a license tax not exceeding twenty dollars.

Picture shows and vaudeville.

(*s*) On moving-picture shows in connection with vaudeville acts, or on vaudeville shows alone, a license tax not exceeding fifty dollars.

Theaters and opera houses.

(*t*) On each room or hall used as a theater or opera house, a license tax not exceeding fifty dollars; on each firm, or corporation

Dealers in weapons.

selling pistols, bowie knives, dirks, sling-shots, brass knuckles, or other deadly weapons, in addition to all other taxes a license tax not exceeding fifty dollars.

Subjects not elsewhere enumerated.

(*u*) On any business, profession, trade, or avocation of any kind carried on in the city of Hickory not hereinbefore enumerated, a license tax not exceeding one hundred dollars nor less than ten dollars.

License year.

Sec. 16. The license year shall begin on the first day of June of each and every year.

Tax graduated by classes.

Sec. 17. The city council shall have power to graduate any of the license taxes permitted in this article, by dividing the business into classes according to the size, patronage, or income:

Proviso: tax uniform in class. Subjects of State and county tax.

Provided, the said taxes must be uniform for all in a class.

Sec. 18. That in addition to the subjects enumerated in the foregoing, the city council shall, for the purpose of raising revenue, have power to tax all persons, firms, or corporations and all subjects of taxation which under the Constitution and laws of the State of North Carolina are taxable by the General Assembly for

State and county purposes: *Provided*, such tax shall not exceed one-half of that levied annually on like subjects by the State and county for State and county purposes. Proviso: limit of rate.

Sec. 19. That the city council may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper. License kept posted.

Sec. 20. The city council may regulate and license chauffeurs, those who run their own automobiles or those of others, plumbers, and those engaged in the electric wiring of buildings for light, power, or heat, and before issuing a license, may require the applicant to be examined and to give bond in such sum and upon such conditions as the council may determine, and with such sureties as it may approve, and said council may, for incompetency on the part of such licensees, or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder. Occupations subject to regulation and license. Applicant to be examined and to give bond. Revocation of license.

Sec. 21. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said council. Persons not to do business without license.

Sec. 22. That no license issued hereunder by said council shall be for more than one year, and same shall not be transferable or assignable except by the permission of the city council. License for one year. Not transferable.

Sec. 23. Any person carrying on or practicing any business, profession, trade, or avocation of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than fifty dollars or imprisoned not more than thirty days. Doing business without license a misdemeanor. Punishment.

Sec. 24. That no license shall be issued, as herein provided for, before the license tax shall have been paid. Tax paid in advance.

Sec. 25. The city council shall create a sinking fund of not less than two per centum per annum of the present bonded indebtedness of the city of Hickory. The fund so created shall be a special fund to provide for the payment of said bonded indebtedness, or for the payment of bonds issued in lieu thereof, and shall not be drawn upon or diverted for the payment of the interest on said bonds or any other purpose whatever, and the city treasurer of the city of Hickory shall honor no draft upon said fund except to redeem the bonds for which the fund was created. The city council may, in its discretion, postpone the creation of said sinking fund until after the year one thousand nine hundred and fourteen; and from the beginning of the municipal year of one thousand nine hundred and fifteen the city council shall have no discretion, and the sinking fund shall and must be created for the amount heretofore stated. Sinking fund. Specific appropriation. Institution of fund.

Article XIV.

THE INITIATIVE.

Ordinances submitted on petition.

Section 1. Any proposed ordinance may be submitted to the council by a petition signed by the qualified registered electors of the city equal in number to the percentage hereinafter required.

Forms and conditions of petition.

Sec. 2. The provisions of section three of article three respecting the forms and conditions of the petition and the mode of certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Petition of one-fourth of voters.

Sec. 3. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the qualified registered voters of the city of Hickory, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either—

Council may pass ordinance.

(*a*) Pass said ordinance without alteration within twenty days after the attachment of the city manager's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provision of article fifteen of this charter) ; or

Or call special election.

(*b*) Within twenty-five days after the city manager shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

Proposed ordinance submitted at general election.

Sec. 4. If the petition be signed by electors equal in number to twenty-five per centum of the qualified registered voters of the city of Hickory, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the city manager's certificate of sufficiency attached to the petition accompanying such ordinance.

Proposition to be published.

Sec. 5. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the council shall order such ordinance or proposition to be published in one or more newspapers of the city for a period of twenty days immediately preceding the next general municipal election.

Ballots.

Sec. 6. The ballots used when voting upon such proposed ordinance shall contain the words, "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance), and shall be authenticated with a facsimile of the city manager's signature. If a majority of the qualified electors voting on said ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Authentication of ballots.

Ordinance adopted by majority vote.

Sec. 7. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article. Number not limited.

Sec. 8. The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people cannot be repealed or amended except by a vote of the people. Proposition for repeal or amendment of ordinance. Ordinance by referendum repealed or amended only by referendum.

Sec. 10. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section. Further regulations by council.

THE REFERENDUM.

Section 1. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this charter, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency: *Provided*, that no grant of any franchise shall be construed to be an emergency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified registered electors of the city equal in number to at least twenty-five per centum of the qualified registered voters of the city of Hickory, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in article fourteen of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of section three of article three, respecting the forms and conditions of the petition and the mode of certification and filing, shall be substantially followed, with such modifications as the nature of the case requires. When ordinances effective. Proviso: grant of franchise not an emergency. Petition of protest to suspend amendment. Election on suspended ordinance. Forms and conditions of petition of protest.

Sec. 2. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be Ordinances or measures submitted by council.

Questions submitted at special elections.

no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election.

Further regulations.

Sec. 3. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

Article XV.

schools.

Public school district.

Section 1. All the territory within the corporate limits of the city of Hickory, Catawba County, as is now or shall hereafter be prescribed, shall be and remain and is hereby constituted a public school district for both white and colored children, and shall hereafter be known as the "Hickory School District." The city council shall be charged with the duty of maintaining an adequate and sufficient system of public schools within the "Hickory School District," and shall construct and maintain proper buildings, and to that end the public school buildings and all other property now used, or which may be hereafter acquired within the city of Hickory for school purposes, shall be under their control and subject to the disposition of the city council. The city council shall have the same power and authority to condemn lands and to do and perform any and all other acts to acquire and control school property as is given or may be conferred by law upon said council with reference to acquiring lands for streets or any other public purpose, and may control school property and grounds in like manner as it is empowered to control streets; and the said council shall also have such power not in direct conflict with the provisions of this article, with regard to the public schools of the Hickory School District, and the officers, teachers, and employees thereof, as is now conferred by law upon the Board of Commissioners of Catawba County and the Board of Education of Catawba County with regard to the public schools of the county; and the said council shall have charge of the collection of taxes to maintain the schools, and construct school buildings, and the handling and the disbursement of all money used for school purposes.

Entitlement.

City council to maintain schools.

Control of buildings and property.

Power to condemn lands.

Powers in regard to schools.

Taxes to maintain schools.

Superintendent of schools.

Sec. 2. The city council is charged with the duty of electing, annually, a competent, skilled, and expert man as superintendent of the public schools of the Hickory School District, and also such other teachers and employees for the conduct of such schools as may be necessary, and for such time as it may indicate: *Provided*, all teachers and other employees for the conduct of such schools as may be necessary shall be elected from a list submitted to the city council by the superintendent, and if the city council is unable or refuses to elect from the list so furnished, it shall call on the superintendent from time to time for other lists, which it shall be his duty to furnish.

Teachers and employees.

Proviso: lists submitted by superintendent.

Grounds for selection.

Sec. 3. It shall be the duty of the superintendent in making his recommendations, and the city council in electing persons to serve the public school interests, to consider ability, education, character, and efficiency for the performance of the duties for which such person or persons named are being considered, and allow these qualities to control in making such selection.

Superintendent to devote whole time to schools.

Sec. 4. It shall be the duty of the superintendent of schools of the Hickory School District to devote his time and attention exclusively to them during the school year, except when leave of absence is granted by the city council for short periods of time for good cause. He shall have immediate and direct control over all teachers and janitors of the school buildings and other persons in charge thereof, and shall be responsible for their efficiency. He shall have power to discharge any teacher or other employee connected with the schools for any cause satisfactory to himself, and to maintain discipline and order, and establish rules and regulations for the government of the schools; and from his authority, with respect to the discharge of teachers or employees, the manner and method of appeal shall be as hereinafter set forth, and not otherwise. The fact of and reasons for the discharge of any teacher or other employee shall be reported, within twenty-four hours after such discharge, in writing to the city council; and a copy of said report shall, within said time, be furnished to the discharged teacher or other employee and a copy furnished to the board of school visitors. If at least two members of the board of school visitors shall, in writing, recommend that the city council hear an appeal of the discharged teacher or employee, the city council shall have the power and it shall be its duty to review the action taken by the superintendent of the public schools of the Hickory School District. All appeals so recommended shall be promptly heard by the city council, and from its action there shall be no appeal or review. The superintendent of public schools of the Hickory School District shall be subject to be removed from his office by the city council for inefficiency or other cause satisfactory to said council. There shall be no appeal or review from the action of the city council in reference to the removal of the said superintendent.

Powers and responsibility of superintendent.

Power to discharge teacher or employee.

Discipline and order.

Rules and regulations.

Report on discharge of teacher or employee.

Recommendation of school visitors.

Hearing on appeal.

Superintendent removable for cause.

Appointment of school visitors.

Sec. 5. In May of the year one thousand nine hundred and thirteen the city council shall, and it shall be its duty to, appoint three persons, male or female, residents of the city of Hickory, as school visitors of the public schools of the Hickory School District, one of whom shall serve during a term of three years, another shall serve during a term of two years, and the third shall serve during a term of one year. In May of each year after the year one thousand nine hundred and thirteen the city council shall, and it shall be its duty to, appoint or elect a male or female resident of the city of Hickory as school visitor of the public schools of the Hickory School District.

Terms of office.

Appointment of successors.

Board of school visitors.

Duty of board.

Quarterly reports.

Reports subject to inspection.

Action on recommendation of board.

Sec. 6. The school visitors appointed or elected as aforesaid shall constitute the board of school visitors of the public schools of the Hickory School District. The said board shall, and it shall be its duty to, visit the different public schools of the city at least once each month during the school year, and every three months submit to the city council a written report of the conditions of the school grounds and buildings and of the method and manner in which said schools are being conducted. The said reports shall be filed in the office of the city manager and shall, during reasonable hours, be subject to the inspection and examination of any resident of the city of Hickory. Any and all recommendations made by the board of school visitors shall be acted upon by the city council in the regular course of its business within fifteen days from the time of making such report.

Resident pupils.

Proviso: nonresident pupils.

Sec. 7. Only persons who are *bona fide* residents of the city of Hickory shall be entitled as pupils to the benefits of the public schools thereof: *Provided, however*, if there be facilities, after providing for the education of all residents, nonresidents of the city may be admitted by the city council to the public schools of Hickory upon the payment of such charges as the city council may determine, by order spread upon its minutes, are just.

School tax.

Rate.

Exclusively for school purposes.

Separate accounts.

Sec. 8. The city council shall annually, at the time other taxes are levied, levy a tax for school purposes of forty cents on the hundred dollars of property assessed for taxation in the city of Hickory and one dollar and twenty cents on each taxable poll, which amount shall be collected as other taxes and deposited with the city treasurer as other city funds, and the same shall and must be kept exclusively for school purposes, and a separate account thereof shall be kept by the tax collector and the city treasurer.

Apportionment from general school fund.

Sec. 9. That in the apportionment of the public school funds derived from the State of North Carolina and county of Catawba, the county board of education of Catawba County, or others having authority under the public school laws of the State, shall determine the amount to be apportioned each year to the public schools of said Hickory School District by dividing the whole of the total amount of the county school fund, first deducting the county treasurer's commission or part of the salary to be paid out of the said funds, and also the amount reserved by the county board of education for office expenses of the county superintendent of public schools, and for per diem and mileage of the said board, by the total number of children of school age in Catawba County as determined by the last school census preceding that apportionment, and then multiplying the quotient so obtained by the total number of children of school age within the said Hickory School District, as determined by the last census preceding that apportionment, and the amount so ascertained and determined shall be paid by the county treasurer to the treasurer of the city of Hickory, to be

used exclusively for the benefit of the schools of said district under the control and direction of the city council of the city of Hickory: *Provided*, that in the apportionment of the school funds of Catawba County the provisions of this section shall extend and apply only to the amount to be apportioned each year to the Hickory School District. Proviso: limit of application.

Article XVII.

Municipal court.

Section 1. A special court for the trial of misdemeanors and for other purposes, to be designated as the Municipal Court of the City of Hickory, is hereby established. Municipal court.

Sec. 2. Said court shall be a court of record, with the following jurisdiction: Court of record.

(*a*) With exclusive original jurisdiction over all offenses arising from the violation of all ordinances, by-laws, rules and regulations of the city council within the corporate limits of the city of Hickory and within Hickory Township. Jurisdiction of violation of ordinances.

(*b*) With exclusive original jurisdiction to try all actions for the recovery of any penalties imposed by law or by any ordinance of the city of Hickory for any act done or the failure to do any act within the corporate limits of the city of Hickory and within Hickory Township. Jurisdiction for recovery of penalties.

(*c*) With jurisdiction, power, and authority for the trial and determination of all misdemeanors created by the laws of the State of North Carolina committed within the corporate limits of the city of Hickory and within Hickory Township. Jurisdiction of misdemeanors.

(*d*) With exclusive original jurisdiction over all criminal offenses committed within the corporate limits of the city of Hickory below the grade of a felony, as now defined by law, and all such offenses committed within said city are hereby declared to be petty misdemeanors. Jurisdiction of crimes below felony. Offenses declared petty misdemeanors.

(*e*) With exclusive original jurisdiction to hear and determine the question of probable cause and bind over to the Superior Court of Catawba County for all offenses committed within the corporate limits of the city of Hickory above the grade of misdemeanors, where final jurisdiction is not given under this charter. Jurisdiction in preliminary hearings.

(*f*) No provision of this charter shall be construed to be intended to deprive courts of justices of the peace of concurrent jurisdiction with such municipal court of the city of Hickory over any misdemeanor now within the jurisdiction of such court, when committed without the corporate limits of the city of Hickory: *Provided, however*, the defendant or defendants, in any such case made returnable before a justice of the peace, may request in writing that the case be removed to and tried by the municipal court of the city of Hickory; and, upon such a request being filed before the introduction of any evidence, the justice of the peace shall require the defendant or defendants to enter into recognizance Jurisdiction of justices of the peace. Proviso: cases removable on request.

for his or their appearance at said municipal court on the day succeeding the filing of such request at ten o'clock A. M. on which said court is required to be open, and the witnesses in such case shall be recognized to appear at the said time and place, and the said justice of the peace shall at once turn over to the clerk of the said municipal court the warrant, recognizance, and other papers in such case.

Judge to issue process.

(*g*) The judge of said court shall have power and authority to issue his warrants or other process for all persons charged with any offense within his jurisdiction and have such persons brought before him, and hear, try, and determine the charges against them and give judgment thereon; impose fines and sentences of imprisonment, penalties, and forfeitures; issue executions and otherwise direct and compel the enforcement of his judgments, subject to the limitations of this charter as to the amount of such penalties and

Right of appeal.

punishments, with the right of appeal by the defendant from the judgment or sentence of the municipal court of the city of Hickory to the Superior Court of Catawba County, under the same provisions of law as govern an appeal from inferior courts or courts of

Power to sentence to road work.

justice of the peace. In case a defendant, witness, or other person shall be adjudged to be imprisoned by the said municipal court, it shall be competent for the said court to sentence such person to imprisonment in the common jail of Catawba County, to be worked on the public roads of Hickory Township or of said county, and in case the defendant shall not pay a fine and costs for the violation of an ordinance of the city of Hickory, the said court shall have authority and power to sentence the defendant in such case to work on the public streets or other public works of the city of Hickory or upon the public roads of Hickory Township or Catawba County until such fine and costs are paid, and the defendant in such case shall have credit at the rate of one dollar ($1) per day for every day during which he shall work upon the public streets, roads, or other works.

Seal of court.

Sec. 3. Said court shall have a seal with the impression "The Municipal Court of the City of Hickory," which seal shall be used in attestation of writs, warrants, or other process or acts, judgments or decrees of said court, in the same manner and to the same effect as the seals of other courts of record in the State of North Carolina.

Officers to whom process may issue.

Sec. 4. The judge of the municipal court of the city of Hickory may issue his process to the chief of police or to the city police, or the sheriff, constable, or other lawful officer of the county of Catawba; and such process, when attested by the seal of the court,

Process to run.

shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law: *Provided*,

Proviso: limit of police power.

that neither the chief of police nor the city police shall execute any process outside of the corporate limits of the city of Hickory, unless the offense was committed within the corporate limits of said city,

in which latter event he may arrest the accused anywhere within the limits of Catawba County.

Fees in municipal court.

Sec. 5. The municipal judge shall charge and collect in all criminal cases, in addition to other lawful costs, the following fees; viz.: As costs for the judge of said court, two dollars; as costs for the city attorney, two dollars; for the clerk, the same fees as are now allowed to clerks of the Superior Courts in similar cases; and for all officers serving the processes of the court, the fees as now allowed to police officers, sheriffs, and constables serving the processes of the Superior Courts in like cases: *Provided*, that in the trial of cases of which a magistrate has final jurisdiction the fees allowed to the judge and the city attorney shall be one dollar each, and the clerk shall be allowed only cost for issuing subpœnas for witnesses.

Proviso: cases within magistrate's jurisdiction.

Costs to use of city.

(*b*) All costs recovered and collected in said court, except as is otherwise herein provided, shall belong to the city of Hickory, and shall be paid by the clerk of said court into the office of the city treasurer, accompanied by an itemized statement showing when and from whom received, for the use of said city and to reimburse it for the expenses of supporting the said municipal court: *Provided, however*, that any officer not receiving a salary from the county of Catawba or the city of Hickory, who shall execute any process, writ, or subpœna issued by said court, shall be paid and shall receive the fees now prescribed by law for such service.

Settlement of accounts.

Proviso: non-salaried officers.

Accounts of municipal court.

(*c*) It shall be the duty of the city treasurer to enter upon a book kept for that purpose by him a full and detailed statement of all moneys received by him from the clerk of the municipal court of the city of Hickory, and a full and detailed statement of the cost or expense of maintaining the said court.

City manager clerk of court.

Sec. 6. The city manager shall be clerk of the municipal court of the city of Hickory, and it shall be his duty as clerk of said court to keep an accurate and true record of all costs, fines, penalties, forfeitures, and punishments by said court imposed under the provisions of this charter. The record kept shall show the name and residence of each offender and the nature of the offense with which he was charged, the date of hearing and trial, and punishment imposed, which said record shall at all times be open and subject to inspection by the city council or other persons having business relating to said court. He shall keep a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also keep in proper files, to be provided by the city, the record of all cases which shall be disposed of in the said court, and what disposition has been made of the same: *Provided, however*, that the city council may require the duties of the clerk of said court to be performed by the judge of the municipal court or other officer of the city.

Duty as clerk.

Record of court.

Record subject to inspection.

Docket.

Files.

Proviso: duties may be imposed on other officers.

Prosecuting attorney.

Sec. 7. The city attorney of the city of Hickory shall be the prosecuting attorney in said court, whose duty it shall be to appear for the prosecution in all cases in said court.

Election of judge.

Sec. 8. The judge of the municipal court shall be elected by the city council of the city of Hickory at its first regular meeting in

Term of office.

May, one thousand nine hundred and thirteen, and his term of office shall continue until the first regular meeting of said council in May, one thousand nine hundred and fourteen; and annually thereafter the said council, at its first regular meeting in May, shall elect the judge of the municipal court of said city, to serve

Salary.

a term of one year. The salary of said judge shall be fixed by the city council, and shall not exceed sixty dollars per month.

Substitute judge.

Sec. 9. Should the municipal judge be prevented from attending the municipal court of the city of Hickory on account of sickness, absence, or other disability, then in that case the mayor of the city of Hickory shall have power and authority to appoint some discreet and qualified person to act in the place of said municipal judge; and upon appointment by the mayor of such person, and after administering to him an oath of office that he will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and will faithfully perform the duties of municipal judge of the city of Hickory to the best of his skill and ability, such person so appointed shall have all the jurisdiction, power, and authority herein conferred upon the regular municipal judge of said city, and shall receive the salary provided for the office while serving.

Force of judgments.

Sec. 10. The judgments rendered by the municipal court of the city of Hickory under the provisions of this charter shall have all the force, virtue, and validity of judgments rendered by an inferior court under the laws of the State of North Carolina, and may be enforced and executed against the parties in the county of Catawba

Collection of fines, penalties, and forfeitures.

or elsewhere, in the same manner and by the same means; and all fines, penalties, and forfeitures, fees and costs shall be collected by the chief of police and daily paid by him to the clerk of the said court, who shall account for the same as hereinbefore provided and as is provided by the general laws of the State of North Carolina for the disposition of fines and penalties.

Article XVIII.

Miscellaneous.

Sections of Revisal applicable.

Section 1. That the provisions of sections two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of the Revisal of one thousand nine hundred and five of North Carolina, and the provisions of sections three thousand and eleven (a) to three thousand and eleven (k), inclusive, of volume three of Pell's Revisal of one thousand nine hundred and eight of North Carolina, shall apply to the city of Hickory, where not inconsistent with the provisions of this charter.

Sec. 2. That the provisions of chapter seventy-two of the Revisal of one thousand nine hundred and five of North Carolina shall apply to the city of Hickory, where not inconsistent with the provisions of this charter. Other provisions of Revisal.

Sec. 3. All questions arising in the administration of the government of the city of Hickory, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided. That in the event chapter seventy-one, Public Laws of North Carolina, extra session of one thousand nine hundred and eight, should hereafter be repealed, then and in that event the laws that immediately prior to the passage of said chapter applied to the city of Hickory in reference to the matter treated in said chapter shall be the laws applicable to the city of Hickory. Application of general law. Prohibition.

Sec. 4. All ordinances of the city of Hickory not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the city council. Existing ordinances.

Sec. 5. In all judicial proceedings it shall be sufficient to plead any ordinance of the city by caption, or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. Method of pleading ordinances.

Sec. 6. This charter shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, whether or not same has been pleaded or read in evidence. Charter a public act.

Sec. 7. Any officer of the city of Hickory, or any member of the board of school trustees of the Hickory Graded School District, who shall on demand fail to turn over all property, books, money, seals, or effects of the city in his hands to his successor in office or to the officer or officers herein provided to perform the duties of such officer or member, shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding two years or fined not exceeding five hundred dollars. Officers failing to make settlement guilty of misdemeanor. Punishment.

Sec. 8. That on the third Monday in March, one thousand nine hundred and thirteen, there shall be held in the city of Hickory an election at which all voters who are then registered and qualified to vote shall be entitled to vote for the purpose of determining whether it is the will of such voters that the foregoing shall become law applicable to the city of Hickory. That the election shall be advertised by the board of aldermen for fourteen days prior to the holding of such election. Said advertisement shall be inserted in two of the weekly newspapers published in the city of Hickory. The said election shall be conducted in all things as are elections for mayor and aldermen under the present law, as nearly as may be. Date for election on charter. Advertisement of election. Law governing election.

Sec. 9. At the voting place in said city, at such election, there shall be provided one box in which each person entitled to vote may deposit one ballot. Those wishing to vote that the foregoing provisions shall become law applicable to the city of Hickory shall vote a ballot upon which there shall be printed or written the words Ballot boxes. Ballots.

"For Adoption of New Charter for City of Hickory," and each of those wishing to vote against the foregoing provisions becoming law applicable to the city of Hickory shall vote a ballot on which shall be printed or written the words "Against Adoption of New Charter for City of Hickory."

Count and return of votes.

Sec. 10. The election officers within three hours from the time the polls are closed in the election to determine the question as to whether or not the foregoing provisions shall become law shall count the ballots and certify the result to the mayor and board of aldermen. The mayor and board of aldermen shall, within twenty-four hours, examine such certificate and formally declare whether a majority of those voting have voted "For Adoption of New Charter for City of Hickory," or "Against Adoption of New Charter for City of Hickory," and spread upon their minutes the record of their determination, and if it shall appear therefrom that a majority of those voting at such election have voted "For Adoption of the New Charter for City of Hickory," the foregoing sections of the proposed charter and laws shall, as provided in section twelve of this article, become effective and the law applicable to the city of Hickory, North Carolina.

Canvass of returns and declaration of result.

Record.

Law ratified by majority of vote cast.

Failure to perform duty a misdemeanor.

Punishment.

Penalty.

Sec. 11. If the mayor or any of the aldermen of the city of Hickory shall fail to perform any of the duties imposed upon them relative to holding elections provided for by this act, they and each of them so neglecting shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court, and shall also be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund and one-half to the party who shall sue for same.

When act effective.

Sec. 12. Article two of this act and section eleven of article eighteen of this act shall be in force and effect from the date of declaring carried the election "For Adoption of New Charter for City of Hickory" in the manner above set out, and all the laws in conflict with article two and section eleven of article eighteen shall be repealed by the declaring carried the election "For Adoption of New Charter for City of Hickory"; and the other articles and sections of this act shall be in force and effect from ten o'clock in the forenoon of the first Monday in May following the declaring carried the election "For Adoption of New Charter for City of Hickory," and all laws in conflict with said article shall be deemed repealed at ten o'clock in the forenoon of the said Monday.

Sec. 13. That this act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 69.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WAYNESVILLE AND TO CREATE A POLICE COURT THEREFOR.

The General Assembly of North Carolina do enact:

Special court established. Title.

Section 1. A special court for the trial of misdemeanors, and to be designated as the "Police Court of the Town of Waynesville," is hereby established.

Police justice. Term of office. Election. Salary.

Sec. 2. Said police court shall be a court of record and shall be presided over by a police justice, who shall be of good moral character and an elector of the town of Waynesville, who shall hold office for a term of two years. Said police justice shall be elected by the people at the time the other officers of the town of Waynesville are elected, and he shall receive a salary of not less than three hundred dollars nor more than five hundred dollars per year, to be fixd by the board of aldermen, the same to be paid monthly by the town of Waynesville.

Justice to hold court. Sessions of court.

Sec. 3. Said police court of said town shall be held therein by the police justice, or, in his absence or inability to act, the mayor of said town, as hereinafter provided, and its sessions shall be opened at nine-thirty o'clock in the morning of every day, except Sundays, in the year, and as often thereafter on any such day as to the presiding officer thereof shall seem best.

Jurisdiction.

Sec. 4. Said police court shall have all the jurisdiction and powers in all criminal offenses occurring within the corporate limits of the town of Waynesville which are now or may hereafter be given to justices of the peace, and shall also have exclusive original jurisdiction to hear and determine all offenses and misdemeanors consisting of a violation of an ordinance of said town.

Jurisdiction extended. Petty misdemeanors.

Sec. 5. Said police court shall, in addition to the jurisdiction conferred by section four of this act, have exclusive original jurisdiction of all other criminal offenses committed within the corporate limits of said town below the grade of felony as now defined by law, and also jurisdiction of larceny and receiving where the value of the property does not exceed twenty dollars, and all such offenses committed within said town are hereby declared to be petty misdemeanors.

Warrants. Right of appeal.

Sec. 6. Warrants may be issued by said police justice for any person or persons charged with the commission of any offense of which said court has as a committing magistrate or original, exclusive jurisdiction, and any person convicted shall have the right to appeal to the Superior Court, and upon such appeal the trial in the Superior Court shall be *de novo*.

Persons bound over to police court.

Sec. 7. In all cases heard by the justices of the peace and other committing magistrates against any person or persons for any offense included in section five of this act in which probable cause

of guilt is found, such person or persons shall be bound in a suitable recognizance with sufficient surety to appear at the next succeeding session of said police court for trial, and in default of such recognizance such person or persons shall be committed to the common jail of Haywood County to await trial.

Commitment in default of recognizance.

Trials on warrants.

Sec. 8. All trials in said police court shall be upon warrant issued by said police justice, or mayor in his absence or inability to act, except in cases tried and bound over by committing magistrates.

Costs.

Sec. 9. All cost incurred in the issuing of such warrants and for the serving of process arising from warrants upon which any defendant shall be bound to said police court, shall belong to and be the property of such justice of the peace, or of a sheriff of Haywood County, or the constable serving the same, as the case may be, and the same shall be paid to them by the proper authorities.

Punishments.

Sec. 10. Any person convicted in said police court of any of the offenses mentioned in section five of this act shall be fined or imprisoned, or both fined and imprisoned, according to law. Every person convicted of an offense shall pay the cost of the prosecution.

Sentence to work on roads.

Sec. 11. Whenever any person is convicted in said police court of any of the offenses mentioned in sections four and five of this act, or any other offense over which said police court has jurisdiction, and the punishment imposed is imprisonment and cost, the police justice shall sentence the defendant to town or county prison, to be worked upon the roads of Haywood County or upon the streets of the town of Waynesville, in the discretion of the police justice, until such sentence has been complied with; and the town of Waynesville is hereby empowered and authorized to make any and all necessary arrangements to work such persons on its streets.

City street work.

Trials.

Sec. 12. Said police justice shall preside over said police court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, except in cases where he is legally incompetent to try the same, in which case the said case shall be, upon application of the defendant, tried before the mayor of the town of Waynesville, sitting as presiding justice of said police court, as herein provided. Such legal incompetency shall be considered to mean only such incompetency as would disqualify a judge of the Superior Court to try, under the same circumstances, a case pending in such last mentioned court.

Mayor as substitute justice.

Proceedings.

Sec. 13. The proceedings of the said police court shall be the same as are now or may hereafter be prescribed by law for courts of justices of the peace, and in all cases there shall be a right of appeal, on the part of the defendant adjudged guilty, to the next term of the Superior Court. In all such cases of appeal the defendant shall be required to give bond with sufficient surety to insure the defendant's appearance at the next succeeding term of

Right of appeal.

Bond on appeal.

the Superior Court, and in default thereof said police justice shall commit such defendant to the common jail of Haywood County until said defendant shall give such bond or be otherwise discharged according to law. Commitment in default of bond.

Sec. 14. Said police court shall also have jurisdiction to try all actions for the recovery of any penalties imposed by law or by any ordinances of the town of Waynesville for any act done within the corporate limits of the said town, and said penalty shall be recovered in the name of the said town of Waynesville, and in all cases where judgment may be entered against any person, imposing a fine or costs, or costs only, and the person against whom the same is adjudged fails or refuses to pay such judgment, it shall be lawful for the said police justice of said police court to order and require said person to be worked on the public roads of Haywood County or the streets of the town of Waynesville until at a fair rate of wages such person shall have worked out the full amount of said fine and costs. Jurisdiction for recovery of penalty. Penalties worked out.

Sec. 15. That the court created by this act shall have the same authority for granting continuances, taking bonds, recognizances, and rendering judgments on forfeited bonds and recognizances as is now vested by law in the Superior Courts of North Carolina and the rules of law regulating the issuing and service of notices against defendants and their sureties upon such bonds and recognizances, and all proceedings for taking and enforcing judgments in such cases shall be the same as is now provided in like cases for the Superior Courts of said State. Transcripts of any judgment rendered in any case for a penalty, forfeiture, fine, or otherwise may be docketed in the Superior Court of Haywood County in the same manner and with like effect of any other judgment docketed as provided by law in said court. Powers of court. Rules of procedure. Transcripts.

Sec. 16. In each case disposed of by said police justice where defendant is convicted or pleads guilty, there shall, in addition to the other cost, be allowed two dollars fees, to be taxed as a part of the cost against the defendant, for said police justice: *Provided*, that in the trial of cases of which magistrate has final jurisdiction the fees allowed to the justice shall be one dollar; the cost allowed for said police justice and all other cost recovered and collected in said court shall belong to the town of Waynesville, except as herein otherwise provided. Trial fee. Costs to use of town.

Sec. 17. In case of a vacancy occurring in the office of police justice, the said vacancy shall be filled by the board of aldermen of the town of Waynesville. The police justice shall be liable to removal from office by the board of aldermen for misconduct amounting to nonfeasance, misfeasance, or malfeasance in office, but only after notice and a full opportunity to be heard upon the charges made against him, with right of appeal to the Superior Court of Haywood County, which case shall stand for trial first on the civil docket of first term next after said appeal is taken, Aldermen to fill vacancy. Removal for cause. Right of appeal.

Substitute justice.

and preceding said appeal said police justice shall be ineligible to exercise or perform any of the duties of his said office. In case of temporary absence, or inability of said police justice to try any cases, his duties shall devolve upon and be filled by the mayor of the town of Waynesville.

Powers of policemen of town.

Sec. 18. Arrests may be made by any policeman of the town of Waynesville anywhere in Haywood County, whenever the officer making such arrest has in his hands a warrant against the person arrested, issued by the police justice of said town or other competent authority, or without a warrant whenever any misdemeanor or violation of any ordinance of said town has been committed in his presence, or whenever a misdemeanor or violation of any ordinance of said town has been committed and he has reasonable cause to believe that the person so arrested has been guilty of such offense, and may make his escape before a warrant can be obtained, or whenever a warrant has been issued against the person so arrested and is outstanding unexecuted in the hands of any policeman of said town, or in the hands of the sheriff or any deputy sheriff or constable of Haywood County.

Powers of policeman making arrests.

Sec. 19. In making arrests the policeman of said town shall have all the powers of a sheriff or constable of Haywood County as well as all the powers by this act conferred upon him.

Power to summon witnesses.

Sec. 20. Whenever any arrest is made by an officer of said town, he may summon any of the bystanders or other persons having information in regard to the matter for which such arrest is being made, as witnesses, to attend as such at the hearing of the charge upon which such arrest is being made, and any such summons shall be effectual and binding in the same manner as if made by subpœna, for such person so summoned, duly issued and served in such cases.

Imprisonment.

Sec. 21. All persons arrested under any process as herein provided shall be imprisoned, unless admitted to bail, either in the county jail or town prison, as the board of aldermen may provide, until the next succeeding session of said police court, without any mittimus, and any defendant convicted, who shall be sentenced to imprisonment, shall be so imprisoned either in the county jail or town prison, as the said aldermen may provide, without mittimus, and worked either on the streets of the town of Waynesville or the public roads of Haywood County, as the sentence may provide: *Provided*, that any female prisoner who may be sentenced to imprisonment may be hired out by the board of aldermen of said town, if she be in the town prison, or by the commissioners of Haywood County, if she be sentenced to the county jail, for the length of time of her sentence.

Proviso: female prisoners hired out.

Cases pending.

Sec. 22. All cases which have heretofore been hearable by the mayor of the town of Waynesville shall, after the election and qualification of said police justice, be tried by said justice, but no cases which may be pending in the Superior Court of Haywood

County at the time this act goes into effect shall be transferred to said police court, but said police court shall have jurisdiction of cases where the crime was committed before this act goes into effect, and no other court has taken jurisdiction of the same.

Sec. 23. No case can be removed from said police justice as is now provided for the removal of cases from one justice of the peace to another. Cases not removable.

Sec. 24. The first police justice shall be elected under this act at the general election for the town of Waynesville in May, one thousand nine hundred and thirteen. First election.

Sec. 25. That John M. Queen, Esq., is hereby appointed police justice of the police court of the town of Waynesville under this act, and is authorized to exercise all the functions and duties of said office from the day of his qualification to the first Wednesday in May, one thousand nine hundred and thirteen, and until his successor is elected and qualified. Justice named.

Sec. 26. That the Secretary of State shall prepare, certify, and transmit under the Great Seal of the State a copy of this act, each, to the mayor of the town of Waynesville and to John M. Queen, Esq., at Waynesville, North Carolina, immediately. Certified copies to be sent.

Sec. 27. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 28. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 70.

AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE NORTH STATE CENTRAL RAILWAY COMPANY AND FOR THE EXERCISE OF THE POWERS AND DUTIES CONFERRED UPON IT, AND TO AMEND CHAPTER 224 OF THE PRIVATE LAWS OF 1911.

The General Assembly of North Carolina do enact:

Section 1. That the time for organizing the North State Central Railway Company, chartered by the General Assembly of North Carolina on the second day of March, one thousand nine hundred and eleven, in chapter two hundred and twenty-four of the Private Laws of one thousand nine hundred and eleven, and for the exercise of the powers and duties therein given and conferred, be and the same is hereby extended for a period of two years from and after the ratification of this act. Time extended.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 71.

AN ACT TO VALIDATE, RATIFY, AND CONFIRM THE SALE BY THE CITY OF BURLINGTON OF CERTAIN PROPERTY THEREIN, AND TO DIRECT THE DISPOSITION OF THE PROCEEDS OF THE SALE.

Preamble: electric light plant.

Preamble: proposition for purchase.

Preamble: proposition approved at election.

Preamble: purchase price.

Whereas the city of Burlington has owned and been conducting a plant for the supplying of said city and the citizens thereof with electric lights and power; and whereas there was a proposition made to said city by certain parties looking to the purchasing by them of a part of the property so used by said city and the citizens thereof for light and power; and whereas the proposition of said parties was submitted to the voters of said city so that all could express their preference in the premises, and a large majority of those voting expressed a preference that said city accept the proposition of those making said offer; and whereas those making said proposition are to pay said city the sum of fifty thousand dollars ($50,000) for the property so sold and bought:

The General Assembly of North Carolina do enact:

Sale and ordinance validated.

Section 1. That the action of said city in making said sale of said property, and the ordinances passed in reference thereto, be and the same are hereby validated, ratified, and confirmed.

Use of purchase money. Payment of electric light bonds.

Sec. 2. That the purchase money received from the sale of said property be disposed of as follows: twenty-four thousand dollars ($24,000) thereof (together with the sum of four thousand dollars ($4,000), sinking fund heretofore accumulated and now in the hands of said city) shall be used for the retiring of bonds heretofore issued by said city for the building of its electric lighting and power plant, and pending the time it is so used in paying said bonds said sum shall be safely invested and the income arising therefrom shall be used in paying the accruing interest on said bonds. That said city may at any time prior to the maturity of said bonds, from said funds, purchase and retire any of said bonds that it may be able to purchase and retire at the par value thereof.

Payment of floating debt.

Sec. 3. That the remaining twenty-six thousand dollars ($26,000) of said purchase price said city shall dispose of as follows: It shall pay and discharge the entire floating indebtedness of said city, in so far as said sum shall enable it so to do: *Provided*, that in paying said floating indebtedness it shall first pay that part of said floating indebtedness created on account of its electric lighting and power plant.

Proviso: debt on account.

Sec. 4. That all laws and parts of laws in conflict with the provisions hereof be and the same are hereby repealed.

Sec. 5. This act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 72.

AN ACT TO ENLARGE THE LIMITS OF GLENCOE SPECIAL-TAX SCHOOL DISTRICT, No. 1, IN HERRINGS TOWNSHIP, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the run of Big Coharie shall be the eastern boundary of Glencoe Special-tax School District, Number One, in Herrings Township, Sampson County. Eastern boundary.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 73.

AN ACT TO PERMIT LIBERTY SCHOOL DISTRICT, IN RANDOLPH COUNTY, TO VOTE NOT EXCEEDING $10,000 OF BONDS.

The General Assembly of North Carolina do enact:

Section 1. That a majority of the trustees of Liberty School District, in Randolph County, North Carolina, be and it is hereby authorized and empowered to petition the board of county commissioners of Randolph County, North Carolina, to call an election in said district, at a time and place to be specified by them, to determine the question whether or not Liberty School District shall issue not exceeding ten thousand dollars of bonds, with interest coupons attached, for the payment of a debt incurred in the erection and equipment of a school building in said district. Petition for election. Question to be voted on.

Sec. 2. That upon said request of the majority of the trustees as aforesaid, it shall be the duty of the said board of county commissioners of Randolph County to order an election to be held in said district, at such time and place as may be specified in said request, to determine the question of said proposed bond issue. That said board of county commissioners shall, at least thirty (30) days preceding such election, give public notice of said election and purpose thereof by publication in one or more newspapers published in said county and at such other places as may be determined upon by it: *Provided*, that the expense of holding said election shall be paid out of the general school fund of Randolph County. County commissioners to order election. Notice of election. Proviso: expense of election.

Law governing election.

Sec. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force, or may hereafter be prescribed by law, for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may deem fit and proper: *Provided further*, that said board of county commissioners shall appoint registrars of election and judges of election, and the registration of voters, except as herein provided, and challenges of voters, shall be conducted in the same manner as is now provided for the election of members of the General Assembly, or may hereafter be provided. That the votes shall be counted at the close of the polls and returns of said election made to the board of county commissioners at its first regular meeting next following the election, and said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result shall be necessary.

Proviso: new registration.

Proviso: election officers.

Registration and challenges.

Count and return of votes.

Canvass and record of returns.

Ballots.

Sec. 4. That at said election the ballots tendered and cast shall have written or printed upon the same "For School Bonds" or "Against School Bonds," and all qualified electors who favor the issue of bonds shall vote a ticket on which shall be written or printed the words "For School Bonds," and all qualified electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the words "Against School Bonds."

County commissioners to prepare bonds.

Sec. 5. That if a majority of the votes cast shall be "For School Bonds," and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Randolph County to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed ten thousand dollars, which bonds shall bear interest at a rate not to exceed five (5) per centum per annum, with interest coupons attached, payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times not exceeding twenty (20) years from the date of issue, as the said board of county commissioners of Randolph County may determine. That said bonds and the coupons attached thereto shall be signed by the chairman of the board of county commissioners of Randolph County and countersigned by the clerk of said board, and said bonds shall have upon them the seal of the county. That said bonds shall be styled bonds to pay indebtedness for the construction and equipment of a public school building in Liberty School District of Randolph County.

Denomination.

Amount.

Interest.

Maturity.

Authentication.

Title of bonds.

Sec. 6. That upon the preparation, signing, and execution of said bonds said board of county commissioners shall deliver the same to the treasurer of the board of trustees of Liberty School District of Randolph County, who shall sell said bonds at such times and in such manner as the board of trustees of said Liberty School District may direct. That none of said bonds or the proceeds thereof shall be used by said board of trustees of Liberty School District for any other purpose than that provided by this act. That said bonds shall be numbered consecutively, and the coupons attached shall bear the numbers of the bonds to which they are attached. The bonds and coupons shall state the time, place, when they are due and where payable, and by what authority they were issued. The said board of county commissioners of Randolph County shall record all the proceedings in respect to said bonds in the minutes of its meetings, and, when sold, the numbers of the bond or bonds, the denominations, to whom sold, and the numbers of the coupons attached: *Provided*, no bonds shall be sold for less than par.

Bonds delivered to school treasurer.

Sale of bonds.

Specific appropriation of proceeds.

Record of bonds.

Sec. 7. That when said bonds are issued and sold, the proceeds thereof shall be with the treasurer of the board of trustees of Liberty School District of Randolph County, and the same shall be expended by the said board of trustees of Liberty School District for payment of debt contracted in the erection and equipment of a public school building in said Liberty School District, as a majority of the trustees herein mentioned shall direct, and no other. That the said treasurer of the board of trustees shall keep said funds provided for in this act which may come into his hands separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duties in this respect the said treasurer of the board of trustees shall execute an official bond, payable to the State of North Carolina for the use of said trustees in the usual manner, and in such amount as the board of county commissioners of Randolph County may direct.

Proceeds of bonds.

Funds kept separate.

Separate accounts.

Treasurer to give bond.

Sec. 8. When said bonds shall have been issued, the board of county commissioners of Randolph County shall levy annually on the first Monday in June a sufficient tax to provide for the interest upon the same and to create a sinking fund sufficient to meet the payments of said bonds at their maturity. The tax so levied shall be collected as other taxes, and shall be kept by the treasurer of the school fund of Randolph County as a separate fund, and shall be applied, first, to the payment of the interest upon said bonds; secondly, to the creation of a sinking fund as aforesaid. That the treasurer of the school fund of Randolph County shall be commissioner of the sinking fund for said bonds, and it shall be his duty to keep said fund invested in some safe security or bond. And said commissioner of the sinking fund shall be required to execute such bond as the Board of Education of Randolph County

Special tax.

Collection of tax.

Separate fund.

Payment of interest.

Sinking fund.

Commissioner of sinking fund.

Bond of commissioner.

shall direct for the safe keeping of said fund and the faithful performance of his duties as commissioner, and he shall make such reports from time to time as the Board of Education of Randolph County or the trustees herein mentioned may direct.

Reports.

Sec. 9. That this act shall apply only to Liberty School District in Randolph County.

Limitation of application.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 74.

AN ACT TO AMEND SECTION 8, CHAPTER 449 OF THE PUBLIC LAWS OF 1903, AND AS AMENDED IN THE PRIVATE LAWS OF 1907, RELATIVE TO PIGEON RIVER GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Meeting of board.

Section 1. That section eight, chapter four hundred and forty-nine of the Public Laws of one thousand nine hundred and three, be amended by striking out the words "third Tuesday," in line eight, and the word "June," in line nine, and insert in lieu thereof the words "first Saturday in April or as soon thereafter as the board of trustees may deem necessary."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 75.

AN ACT TO DEFINE THE BOUNDARY LIMIT OF THE TOWN OF BOLIVIA IN BRUNSWICK COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the boundary line of the town of Bolivia, Brunswick County, North Carolina, shall be as follows: Beginning at the northeast corner of Corbet and Knox streets and the southwest corner of block number two, lot number sixteen, and known as the station or depot lot; runs from said station parallel with Knox Street fifty-five and one-half feet to the center of the Wilmington, Brunswick and Southern railroad bed, thence north-

wardly with center of said roadbed four thousand four hundred feet to an iron stake, said station known as station three; thence south fifty-seven east three thousand three hundred feet to station four; thence south thirty-three west four thousand seven hundred feet to station five; thence north eighty-two west one thousand six hundred feet to station six; thence north forty-five west two thousand five hundred feet to station seven; thence north two thousand feet to station eight; thence north seven east one thousand feet to station nine; thence north fifty-five east one thousand four hundred feet to station ten; thence east one thousand nine hundred feet to station three in center railroad bed.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 76.

AN ACT TO PERMIT THE FREMONT GRADED SCHOOL DISTRICT IN WAYNE COUNTY TO INCREASE THEIR TAX LEVY 15 CENTS ON PROPERTY AND 45 CENTS ON THE POLL, MAKING A TOTAL OF 40 CENTS ON PROPERTY AND $1.20 ON THE POLL.

The General Assembly of North Carolina do enact:

Section 1. That a majority of the trustees of Fremont Graded School District in Wayne County, North Carolina, be and are hereby authorized and empowered to petition the board of county commissioners of Wayne County, North Carolina, to call an election in said district, at a time and place to be specified by them, to determine the question whether or not said Fremont Graded School District shall increase their tax levy fifteen (15) cents on property and forty-five (45) cents on the poll, making the total tax levy in said district forty cents on property and one dollar and twenty cents on the poll, to aid in the construction and equipment of a school building, or school buildings, or to acquire school buildings in said district, or for the general maintenance of the schools in said district.

Petition for election.

Question to be voted on.

Sec. 2. That upon said petition of a majority of the trustees of the district, it shall be the duty of the board of county commissioners of Wayne County to order an election to be held in said district, at such time and place as may be specified in said petition, to determine the question of said proposed increase in the tax levy. That said board of county commissioners shall, at least thirty days preceding such election, give public notice of said election and purpose thereof, by publication in one or more newspapers published

County commissioners to order election.

Notice of election.

in said county, and at other places as may be determined upon by it.

Law governing election.

Sec. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force, or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper: *Provided further*, that said board of county commissioners shall appoint registrars of election and judges of election, and that the registration of voters and challenge of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly, or may hereafter be provided. That the votes shall be counted at the close of the polls and returns of said election made to the board of county commissioners at its first regular meeting next following the election, and said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result shall be necessary.

Proviso: new registration.

Proviso: election officers.

Count and return of votes.

Canvass and record of returns.

Ballots.

Sec. 4. That at said election the ballots tendered and cast shall have written or printed upon the same, "For School Tax" or "Against School Tax," and all qualified voters who favor the said increase in the tax levy shall vote the ticket on which shall be written or printed the words "For School Tax," and all voters who may be opposed to the said increase in the tax levy shall vote the ticket on which shall be written or printed "Against School Tax."

County commissioners to levy tax.

Sec. 5. That if a majority of the votes cast at said election shall be "For School Tax" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Wayne County to levy, on the first Monday in June, annually, a tax of forty (40) cents on the hundred dollars valuation of property and one dollar and twenty cents ($1.20) on the poll in said Fremont Graded School District of Wayne County. The tax so levied shall be collected as other taxes, and shall be kept by the treasurer of the school fund of Wayne County as a separate fund, and shall be applied to construction of a school building or school buildings, or to acquire school buildings, in said district, or for the general maintenance of the schools in said district.

Rate.

Collection of tax.

Separate fund.

Application.

Enlargement of territory on petition.

Sec. 6. That upon the written request of a majority of the trustees of the Fremont Graded School District, the county board of education may enlarge the boundaries of said district so as to include the following described territory, in the manner and upon

the conditions prescribed by section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, as amended, so as to extend the boundary of said district on the west to a point beginning on Burnt Swamp on the Fremont and Kenly Road and extending west with said road to the public road running north and south via Elie Hooks; and extending south with said road to the old Scott's Cross Roads, near W. R. Hooks; and thence west on the Fremont and Smithfield Road to the land line of Greene Copeland and W. R. Hooks; and thence south with said land line to Nahunta Swamp; and thence east with said swamp to the present boundary line of said school district, and to be known as the "western addition to said school district." Boundary.

Sec. 7. That upon the written request of a majority of the trustees of the Fremont Graded School District, the county board of education of Wayne County may enlarge the boundaries of said district so as to include the following described territory, in the manner and upon the conditions prescribed by section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, as amended, so as to extend the boundary line of said district on the north to a point beginning in Bass Swamp at the present northern boundary line, at the corner between Joshua Aycock and John Ed. Smith, and extend west on said Smith and Aycock line to Turner Kerby's line; thence south with said Kerby and Smith line to J. C. Hooks' line, and thence west with said Hooks and Kerby line to J. A. Hooks' and J. C. Hooks' line, and thence south on J. A. Hooks' line to the present boundary line of said school district, and to be known as the "northern addition to said graded school district." Further enlargement on petition authorized. Boundary.

Sec. 8. That upon the written request of a majority of the trustees of the Fremont Graded School District, the county board of education may enlarge the boundaries of said district so as to include the following described territory in the manner and upon the conditions prescribed by section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, as amended, so as to extend the boundary line of said school district on the east from a point beginning at the line of the present graded school district in Nahunta Swamp and extending east with said swamp to the line between the Jesse Aycock land and M. T. Johnson, and running north with said Aycock and Johnson line of the Peacock heirs, and thence along the said Peacock and Johnson line to the west line between Wade Peacock and Mrs. Ellen Yelverton; thence north along said Peacock and Mrs. Yelverton west line to Aycock Swamp; thence east along said swamp to the Quaker Road; thence north along said Quaker Road to the line between Addie Daniel and Mrs. Meakie Barnes; thence along said Daniel and Mrs. Barnes line to Sid Mayo's line; thence along said Mayo and Barnes line to the eastern line of O. L. Aycock; thence north along said Aycock line to the line of John H. Aycock; thence Further enlargement on petition authorized. Boundary.

along John Aycock's line to the line of Mrs. Charity Aycock; thence west along said John H. Aycock's and Mrs. Charity Aycock's line to the line of Mrs. Mary Davis; thence along said John H. Aycock's and Mrs. Mary Davis's line to Thurman Davis's line; thence along said Aycock and Davis line to Bass Swamp, the present boundary of said school district, and to be known as the "eastern addition to said school district."

Tax on additional territory.

Sec. 9. That if the residents of the aforementioned "additions" to said Fremont Graded School District, or either of them, shall vote themselves into said district, they shall pay the same rate of taxation as the other residents of Fremont Graded School District.

Adjacent property included.

Sec. 10. That the said board of trustees of the Fremont Graded School District shall have the right and authority to admit to said district any person who may make written application for such annexation, provided the real property of such applicant be adjacent to the said district, and said applicant shall bind himself and his assigns to pay the same rate of taxes as may be paid by other residents of the said district.

Sec. 11. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 77.

AN ACT TO VALIDATE A CERTAIN DEED OF THE CITY OF SOUTHPORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Deed validated.

Section 1. That a certain deed of the city of Southport, North Carolina, conveying to C. R. Gleason the water skirt in front of lot number twenty-four (24), the said land being fully described therein, executed on the fourth (4th) day of September, A. D. one thousand nine hundred and twelve, by the mayor and the board of aldermen of said city, pursuant to a resolution of said board of aldermen duly passed at a meeting regularly called, and held on the second day of September, A. D. one thousand nine hundred and twelve, the said deed being duly recorded in book number eighteen (18), page four hundred and six (406), records of Brunswick County, be and the said deed is hereby validated and declared to be a valid and sufficient deed in fee simple for all the land described therein.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 78.

AN ACT TO AMEND SECTION 4 OF CHAPTER 134, PRIVATE LAWS OF 1911, THE SAME BEING "AN ACT TO ALLOW ROANOKE RAPIDS GRADED SCHOOL DISTRICT, HALIFAX COUNTY, TO ISSUE BONDS TO PROVIDE FOR THE ENLARGEMENT OF THE PRESENT SCHOOL BUILDINGS OF THE DISTRICT AND THE PROPER EQUIPMENT OF THE SAME BY ALLOWING THE CONSTRUCTION OF OTHER BUILDINGS."

The General Assembly of North Carolina do enact:

Section 1. That section four of chapter one hundred and thirty-four, Private Laws of one thousand nine hundred and eleven, be amended by adding after the word "district" and before the word "and," in line four of said section, the following words: "or the erection of another school building or buildings upon another site in said district." Use of proceeds of bonds.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 19th day of February, A. D. 1913.

CHAPTER 79.

AN ACT TO AUTHORIZE THE CITY OF SOUTHPORT, N. C., TO ISSUE BONDS FOR THE IMPROVEMENT OF STREETS AND TO LEVY A SPECIAL TAX TO PAY SAID BONDS AND INTEREST.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Southport, for the purpose of improving the public streets, are authorized and empowered to issue bonds bearing interest at a rate not exceeding six per cent per annum to an amount not exceeding five thousand dollars, of the denomination of one hundred dollars, to each and every one of which shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of July and January of each year until the maturity of said bond. The bonds so issued by said board of aldermen shall run for a period of twenty years from date of their issue and shall be numbered consecutively from one to fifty, and shall declare the amount of interest which they shall represent and when interest is due, and when it is payable, and shall be receivable in payment for all municipal taxes levied by said town. The said bonds shall be exempt from municipal taxation. Bond issue authorized. Interest. Amount. Denomination. Maturity. Municipal taxation.

Authentication.

Sec. 2. That said bonds shall be signed by the mayor of the city of Southport and attested by the signature of the clerk of the board of aldermen, with the corporate seal of said city also attached. The board of aldermen of the city shall dispose of said bonds at a sum of not less than their par value. It shall be the duty of the board of aldermen to cause a record to be made and kept of the bonds sold, the number, name of the purchaser, and the price received for same.

Sale below par forbidden.
Record of bonds.

Special tax.

Sec. 3. That for the purpose of paying said coupons as they become due, it shall be the duty of the board of aldermen, and they are hereby empowered so to do, to levy and collect a sufficient special tax each year upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of the said city, which taxes, when collected, shall be used for no other purpose, and it shall be the duty of the city treasurer, as said coupons are paid and taken up, to cancel same, and he shall report not less than twice a year to the board of aldermen the number and amounts of the coupons so canceled.

Specific appropriation.

Semiannual reports.

Special tax for sinking fund.

Sec. 4. For the purpose of paying the principal of the bonds under this act it shall be the duty of the said aldermen at the time of levying other taxes, beginning at least ten years before maturity of the respective bonds issued under authority of this act, to annually levy and collect a special tax, in addition to that mentioned in section three of this act, for the payment of said bonds as they mature, and the tax provided for in this section shall equal in amount one-tenth of the amount of said bond or bonds falling due next after the tenth annual levy and collection of taxes from and including said first levy and collection for said purpose and in such manner that at the maturity of each and every of said bonds a sufficient amount shall have been levied and collected for the payment thereof.

Tax rate.

Deposit of sinking fund.

Sec. 5. It shall be the duty of said aldermen to have deposited any and all moneys arising from the special tax collected under section four of this act with some bank, trust company, or safe-deposit company of undoubted solvency at the best obtainable rate of interest, and all interest arising from said deposit shall be credited annually to said deposits and become a part of said funds.

Issue to be authorized by voters.

Sec. 6. That said bonds shall not be issued until authorized by a majority of the qualified voters of said city at a public election to be held at such a time and place as said board shall appoint, of which notice shall be given for twenty days in some newspaper published in said city, and if no newspaper, then by written notices posted in three public places in said city; and at said election those favoring the issue of said bonds shall vote a printed or written ticket with the words "For Street Bonds" thereon; those who are opposed shall vote a printed or written ticket with the words "Against Street Bonds" thereon; the result of said election

Advertisement of election.

Tickets.

shall be ascertained by the judges of election of the different wards and certified and returned by them to the aldermen of the city of Southport within two days from the day of election, who shall verify and also certify such results and cause the same to be recorded in their minutes, and shall also make return of said result under the signature of the mayor and clerk of said city to the Register of Deeds of Brunswick County, who shall duly record the same. Count and return of votes. Record of result.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 19th day of February, A. D. 1913.

CHAPTER 80.

AN ACT TO AMEND CHAPTER 358, PRIVATE LAWS OF 1911, FOR RELIEF OF JOHN LAWS.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and fifty-eight of Private Laws of one thousand nine hundred and eleven be amended by adding at the end of section one of said chapter, "in the Superior Court." Court of judgment.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 81.

AN ACT FOR THE RELIEF OF THE ADMINISTRATORS AND SURETIES OF D. C. RAGAN, DECEASED, LATE SHERIFF OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Jont. H. Brown and Lula C. Ragan, administrators, and the bondsmen of D. C. Ragan, deceased, late Sheriff of Watauga County, be and they are hereby authorized and empowered to collect all arrears of taxes due the county of Watauga, or the said estate of said deceased sheriff, D. C. Ragan, with all the rights, remedies, and powers granted by law to sheriffs and tax collectors under the laws of North Carolina, and said taxes being for the years of one thousand nine hundred and nine, one thousand nine hundred and ten, and one thousand nine hundred and eleven, inclusive. Collection of arrears authorized. Years.

Sec. 2. This act shall take effect and be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 82.

AN ACT TO INCORPORATE THE TOWN OF TURKEY IN THE COUNTY OF SAMPSON AND TO APPOINT THE OFFICERS THEREOF.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the village of Turkey, in Sampson County, situate within the boundaries hereinafter given, be and the same

Corporate name.

is hereby incorporated under the name of "The Town of Turkey," and so far as the same may not be inconsistent with this act, it

Corporate powers.

shall have all the powers and privileges and be subject to all the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five and the laws amendatory thereof.

Corporate limits.

Sec. 2. That the incorporate limits of said town shall be as follows: Beginning in the middle of the public road, at a gate near the W. J. Shipp residence, and at the intersection of a cart-path leading easterly toward the B. F. Grady place, and running thence with said cart-path, south 88½ degrees east 40 poles to a bridge; thence with a ditch south 2½ degrees east 49 poles to a crook in said ditch; thence the ditch and past the end of same south 27¼ degrees east 39¼ poles to a stake in the southern limits of the right of way of the Atlantic Coast Line Railroad; thence south 20½ degrees west 40 poles to a stake in the line of the Baptist Church lot; thence south 59¼ degrees west 114¼ poles to a stake by a ditch in S. W. Faison's field; thence north 24¾ degrees west 58 poles to the southern margin of said railroad right of way; thence the same course 52 poles to a stake at a sassafras tree in a field; thence north 47 degrees east 119 poles to a stake in a new street to the north of the W. J. Shipp lot; thence with said street south 88½ degrees east 13¾ poles to the beginning station.

Extension of jurisdiction.

Sec. 3. That for the purpose of police regulation, the jurisdiction of the mayor and police officers of said town shall extend one mile in all directions from the crossing of the A. C. L. Railroad and the public dirt road near the store of W. B. McGowan.

Town officers.

Sec. 4. The officers of said town shall be a mayor, four commissioners, and a town constable, with such other police officers as the mayor and board of commissioners shall appoint.

First officers named.

Sec. 5. Until the election and qualification of the officers of said town in May, one thousand nine hundred and thirteen, W. D. Carroll is hereby appointed mayor, and John H. Torrans, William H. Carroll, Charles C. Hudson, and Edward T. Britt are appointed as a board of commissioners for said town, who shall immediately qualify by taking the oath of office prescribed by law.

Powers of constable.

Sec. 6. The town constable of Turkey shall have full power to execute all writs of process issuing from any of the courts of

North Carolina, when directed to him, and he may execute the same anywhere within the county of Sampson.

Sec. 7. The rate of taxation in said town shall not exceed twenty cents on the one hundred dollars worth of property and sixty cents on the poll; but the mayor and board of commissioners may levy and collect special license taxes against all persons, firms, and corporations doing business within the corporate limits of said town, not otherwise prohibited by law. Tax rate.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 83.

AN ACT TO ALLOW THE CHARLOTTE PARK AND TREE COMMISSION TO SELL PART OF ITS REAL ESTATE.

Whereas chapter thirty-two, last part of section twelve, of the Private Acts of one thousand nine hundred and five provides that the Charlotte Park and Tree Commission shall not have the power to sell and convey its real estate without the assent of the General Assembly of this State and the board of aldermen of the city of Charlotte; and whereas the Charlotte Park and Tree Commission has agreed to convey to the city of Charlotte, its successors and assigns, for school purposes, the following tract of land: Being in the Seventh Ward of said city and beginning at an iron stake at the intersection of the line parallel to and 30 feet west of the east curb of Travis Avenue north of Fifth Street and the line parallel to and 30 feet north of the south curb of said Fifth Street; runs parallel to and 30 feet distant said south curb of Fifth Street, north 43.30 west 117.51 feet; thence approximately parallel to and 32 feet distant from the curved curb marking the south edge of Fifth Street Park Drive, with a curved line whose location by 20-foot chords is described as follows: (*a*) north 36-21 west 20 feet; thence north 25-25 west 20 feet; thence north 26-40 west 20 feet; thence north 32-47 west 20 feet; thence north 50 west 20 feet; thence north 51-36 west 20 feet; thence north 51-53 west 20 feet; thence north 54-17 west 20 feet; thence north 55-51 west 20 feet; thence north 57-17 west 20 feet; thence north 58.58 west 14.6 feet to a stake, the corner on said East Fifth Street Park Drive; thence south 78-16-30 east 435.75 feet to a stake, the corner on Travis Avenue Park Drive; thence parallel to and 30 feet west of the east curb line of said Travis Avenue, south 44-18 west 242 feet to the beginning, containing one acre. (Note.—All courses above are calculated from angles with first named course, on which the magnetic was read as here given.) And whereas the board of aldermen of the city of Charlotte has given its assent to the con-

Proviso: power to sell real estate.

Preamble: sale to city.

Boundary.

Preamble: assent of city.

veyance of said tract of land to said city of Charlotte, its successors and assigns, for school purposes; and whereas a school building has been built on said property above described; and whereas the Charlotte Park and Tree Commission desires to carry out its contract and convey all the above described land to the city of Charlotte for school purposes:

Preamble: school building.

Preamble: desire to carry out contract.

The General Assembly of North Carolina do enact:

Execution of deed authorized.

Section 1. That the Charlotte Park and Tree Commission is hereby authorized and empowered to execute a deed conveying in fee simple to the city of Charlotte, North Carolina, its successors and assigns, for school purposes, all the above described land.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 84.

AN ACT TO AMEND CHAPTER 50 OF PRIVATE LAWS OF 1897, RELATIVE TO AMENDING THE CHARTER OF THE TOWN OF STAR, MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Powers of commissioners as to streets.

Section 1. That section five of chapter fifty of the Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, be amended, making said section read as follows: "The commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town whenever by them deemed necessary; and they shall have power at any time to widen, enlarge, change, extend, and discontinue any street within the said corporate limits whenever they may so determine, by making a reasonable compensation to the owners of property damaged thereby. In cases where the owners of land cannot agree with the commissioners regarding the value of the land or property and damages, the mayor of the town shall issue his warrant to the town marshal, commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings into the office of the mayor, there to be filed. Before proceeding to view said premises and assess said damages, the parties so summoned shall take the following oath before the mayor of the town or some justice of the peace: "I, A. B., do solemnly swear (or affirm) that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen, and

Procedure for assessment of damages.

Oath of assessors.

a true report make: so help me, God." If the party damaged or claiming damages refuses to select the appraisers as herein provided, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either the commissioners or owner or claimant be dissatisfied with the report of the freeholders, then they may appeal to the Superior Court of Montgomery County in the same manner as is provided for appeals from courts of justices of the peace. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State and United States, and impose fines and penalties, and collect the same.

Proviso: right of appeal.

By-laws, rules, and regulations.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 85.

AN ACT TO CHANGE THE BOUNDARY OF AYDEN GRADED SCHOOL DISTRICT IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the boundaries of the special school-tax district in Contentnea Township, Pitt County, known as the Ayden Graded School District, established in one thousand nine hundred and three under the general school law, and by act of the General Assembly of one thousand nine hundred and eleven made a chartered school district and thereby removed from under the jurisdiction of the Board of Education of Pitt County, be amended as follows: Beginning at Littlefield and running from thence north by the late Asa Garris's house to the public road at the late Mary Garris's; thence up said road to Back Swamp; thence down said swamp to Swift Creek; thence up said creek to U. S. Jackson's line; thence east with said Jackson's and Jesse Cannon's lines to Woodie McLawhorn's line; thence northwardly with said McLawhorn's and U. S. Jackson's line to the public road leading to Snow Hill, and thence west with the original line to the beginning.

Boundary amended.

New boundary.

Sec. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 86.

AN ACT TO AMEND CHAPTER 66 OF THE PRIVATE LAWS OF 1885, IN REGARD TO HOLDING OF PROPERTY BY THE TRUSTEES OF DAVIDSON COLLEGE AND EXEMPTION FROM TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That section eight of chapter sixty-six of the Private Laws of one thousand eight hundred and eighty-five be and the same is hereby repealed, and that the following be inserted in lieu thereof:

Limit of property.

"Sec. 8. The real property of said corporation shall not exceed in value the sum of five hundred thousand dollars, and the personal property thereof shall not exceed in value the sum of one million dollars."

Sec. 2. That section nine of said chapter sixty-six of the Private Laws of one thousand eight hundred and eighty-five be and the same is hereby repealed, and that the following be inserted in lieu thereof:

Property exempt from taxation.

"Sec. 9. That the real property owned by said corporation to the value of five hundred thousand dollars, and the personal property thereof to the amount of one million dollars, shall be exempt from taxation."

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 87.

AN ACT FOR THE RELIEF OF CHARLES W. CARLTON.

Preamble: formation of State Veterinary Association.

Preamble: registration of practitioners.

Preamble: neglect to register.

Whereas, by chapter five hundred and three of the Public Laws of North Carolina, session nineteen hundred and three, the North Carolina State Veterinary Medical Association was incorporated; and whereas section eleven of said act allowed all persons who had previously practiced veterinary medicine or surgery to continue their profession by filing the proper affidavit and having their names registered in the office of the clerks of the Superior Court of the different counties in North Carolina; and whereas Charles W. Carlton has been practicing veterinary medicine and surgery in Wilkes County regularly for fifteen years, but has neglected to register as provided by law: therefore,

The General Assembly of North Carolina do enact:

Section 1. That said Charles W. Carlton shall be allowed until March fifteenth, nineteen hundred and thirteen, to file proper affidavit and register his name in the office of the Clerk of the Superior Court of Wilkes County, and that upon the filing of said affidavit and registration the said Charles W. Carlton shall succeed to all the rights and privileges as is guaranteed under said chapter five hundred and three of the Public Laws of North Carolina, session nineteen hundred and three. Time allowed for registration.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 88.

AN ACT TO AMEND CHAPTER 176 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, AND TO CONFER ON AULANDER GRADED SCHOOL BOARD THE RIGHT TO ACQUIRE AND HOLD PROPERTY FOR SCHOOL PURPOSES, AND TO SELL AND DISPOSE OF THE SAME.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seventy-six of the Private Laws of North Carolina, session one thousand nine hundred and five, entitled "An act to establish graded schools in the town of Aulander and for other purposes," be amended by adding after the word "law," in line four of section four, the following: "and the said Aulander Graded School Board is expressly authorized and empowered to take by deed of gift, by devise and by purchase, and to hold any and all kinds of property, personal and real, for public school purposes as contemplated by this act; and the property of the various public school districts in said graded school district, as now located or hereafter added thereto, both real and personal, shall become the property of the said graded school district, and the title thereto shall vest in the said Aulander Graded School Board, in trust for the said graded schools in said district; and they are hereby expressly authorized and empowered to sell and dispose of, at public or private sale, any personal or real property belonging to said Aulander Graded School Board and to make title thereto, and to apply the proceeds to the use of the public graded schools in said graded school district." Power to take and hold property. Power of sale.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 89.

AN ACT TO PROVIDE FOR AN "ELECTRIC WHITE WAY" FOR THE CITY OF GOLDSBORO.

Preamble: streets inadequately lighted.

Preamble: benefit to city and property-owners.

Whereas some of the principal streets of the city of Goldsboro, to wit, Walnut Street between Carolina Avenue and John Street, East and West Center streets between Chestnut and Mulberry streets; John Street between Walnut and Mulberry, are inadequately lighted; and whereas an "Electric White Way" along the sidewalks of said streets would materially benefit the city of Goldsboro as well as the abutting property-owners along said streets: therefore,

The General Assembly of North Carolina do enact:

Lights authorized.

Apportionment of extra cost.

Section 1. That the board of aldermen of the city of Goldsboro are authorized to place electric lamps along the sidewalks of the streets defined in the preamble of this act. That one-half of the cost of such lights, and the poles (after deducting therefrom an amount equivalent to the present cost of the lighting of said streets, which shall be paid by the city of Goldsboro), shall be borne by the city of Goldsboro; and the board of aldermen of the city of Goldsboro shall assess the other half of the cost of the same against the abutting property-owners along said streets in the following proportions, viz.: an abutting owner of commercial property shall be proportionately assessed double the amount which is assessed against an abutting owner of residential or unimproved property. That the present lighting of the said streets shall be included in the "White Way" herein provided for.

Sec. 2. That all laws, clauses or parts of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 90.

AN ACT PROVIDING FOR SPECIAL ELECTIONS IN THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Special elections on municipal propositions.

Law governing election.

Section 1. That the board of aldermen of the city of Goldsboro are authorized to order a special election at any time in the city of Goldsboro for the voters of said city to disapprove or ratify any municipal proposition, and any such election shall be held in the same manner and under the same rules and regulations as

municipal elections for mayor and aldermen in said city are now held: *Provided, however*, that before any such election shall be held, a notice of the same shall be posted at the city hall and three public places in the city of Goldsboro and published in a newspaper in said city for a period of thirty days immediately preceding such election. Proviso: notice of election.

Sec. 2. That all laws, clauses or parts of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 91.

AN ACT TO VALIDATE A CERTAIN ELECTION HELD IN THE TOWN OF WELDON, HALIFAX COUNTY, NORTH CAROLINA, ON THE 19th DAY OF SEPTEMBER, 1911, AND TO VALIDATE AND RATIFY THE BOND ISSUE THEREUNDER BY SAID TOWN OF WELDON, AND FOR OTHER PURPOSES, AMENDING CHAPTER 52, PUBLIC AND PRIVATE LAWS, EXTRA SESSION OF 1908.

The General Assembly of North Carolina do enact:

Section 1. That whereas heretofore an election was held in the town of Weldon, Halifax County, North Carolina, on the nineteenth day of September, one thousand nine hundred and eleven, at which election the question of authorizing the board of town commissioners of the said town of Weldon to issue bonds to an amount not exceeding forty thousand dollars for the purpose of establishing a system of waterworks and sewerage for said town; and whereas at the election so held the total registration of said town of voters were two hundred and twenty-two, and of the votes cast there were one hundred and fifty-nine for "Waterworks and Sewerage" and ten "Against Waterworks and Sewerage": therefore be it enacted, that the said election be and the same is hereby validated and legalized, and the actions of the said board of commissioners of said town of Weldon in all matters and things connected therewith and all advertisements for said election, be and the same are hereby validated and legalized, and that all things necessary to make legal the issue of the said bonds under and by virtue of the said election so held as aforesaid have been done as provided by law. Election held. Vote registered and cast. Election validated. Action of commissioners legalized.

Sec. 2. That the said board of commissioners of the said town of Weldon are hereby fully authorized and empowered to issue the bonds of said town to the amount of forty thousand dollars for the purposes mentioned under the provisions of chapter fifty-two, Public and Private Laws of North Carolina, extra session one Bond issue authorized. Amount. Purpose.

thousand nine hundred and eight, as herein amended, and said issue of said bonds to the amount of forty thousand dollars; and the said bonds and each of said bonds so issued are hereby ratified, confirmed, validated, and legalized, and the said issue of bonds to the amount of forty thousand dollars, and the said bonds and each of said bonds, shall not be liable to be attacked or dishonored in the hands of purchasers for value.

Bonds validated.

Date of bonds.

Sec. 3. That the issue of bonds as aforesaid shall be dated the first day of January, one thousand nine hundred and thirteen, the interest to be payable annually or semiannually, according as the board of commissioners shall order, and in all other respects the said bonds are to be issued as provided in chapter fifty-two, Public and Private Laws of North Carolina, extra session of one thousand nine hundred and eight, as herein amended.

Sec. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 92.

AN ACT TO AUTHORIZE THE CITY OF CONCORD TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Purpose.

Special tax.

Section 1. That the city of Concord, through its board of aldermen, is hereby authorized and empowered to issue bonds to the amount of twenty thousand dollars ($20,000) for the purposes hereinafter specified in this act, and levying and collecting annually a special tax for the payment of interest thereon, and to create a sinking fund, as hereinafter provided, for the payment of the principal of said bonds.

Use of proceeds.

Sec. 2. That the proceeds arising from the sale of bonds shall be turned over to the treasurer of the city of Concord, and disposed of under the direction of the graded school board for the following purposes: For the erecting, equipping, and furnishing another building for the graded schools, and for the enlarging, equipping, and furnishing of the present buildings so as to make the educational facilities of the city of Concord adequate to its needs.

Bond issue.

Denominations.

Interest.

Sec. 3. The city of Concord, through its aldermen, shall issue coupon bonds to the amount of twenty thousand dollars ($20,000) in denominations not less than five hundred dollars ($500), bearing interest from date of the bonds at a rate not exceeding five per centum per annum, payable semiannually at the Concord

National Bank, the Cabarrus Savings Bank, or the Citizens Bank and Trust Company in said city, or their corresponding banks in the city of New York, at the option of the holder, on the first days of January and July of each year until said bonds are paid. That said bonds shall be made payable and become due at the expiration of thirty years from the date thereof. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor, countersigned by the clerk of the board of aldermen of said city and sealed with the corporate seal of said city, and a record shall be kept of all bonds. The said bonds and their coupons shall be exempt from taxation by said city. The purchaser or purchasers of said bonds shall not be required to see that the purchase money is applied to the purposes prescribed in this act.

Maturity.

Authentication.

Exempt from city tax.

Sec. 4. In order to pay the interest on said bonds, the city of Concord, through its board of aldermen, is hereby authorized, and it shall be its duty, through its board of aldermen, to annually compute and levy, at the time of levying other taxes of said city, a sufficient special tax upon all property, real and personal, and other subjects of taxation mentioned in the charter of the city of Concord and acts amendatory thereto, which shall be returned or listed for general taxation in said city, with which to regularly and promptly pay the interest on said bonds, and said taxes shall be collected in the same manner and at the same time the other taxes of said city are collected, and shall be paid over by the city tax collector to the treasurer of said city, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former officer for collecting and paying over and the latter for safe keeping and proper disbursement of said funds. It shall be the duty of said treasurer to cancel all coupons at the time they are paid off and taken up by him, and to keep a record of the same.

Tax for interest.

Collection and settlement of tax.

Bonds of officers.

Coupons canceled.

Sec. 5. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of the said city of Concord, through its board of aldermen, at and after the expiration of twenty years from the date of said bonds, to annually levy and collect a special tax in addition to that mentioned in section four of this act, and the taxes provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act, and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section seven of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said aldermen shall cease to levy for said sinking fund.

Tax for sinking fund.

Amount.

Sec. 6. That the taxes levied and collected for the purposes specified in sections four and five of this act shall be kept separate and distinct from each other and from any and all other taxes, and shall be used only for the purposes for which they are levied

Taxes kept separate.

Specific appropriation.

Misappropriation a misdemeanor.

or collected, and any mayor or alderman who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said city, through its board of aldermen, at the time of levying taxes for the payment of interest for the next succeeding year, shall take into consideration said excess, and compute and levy said taxes accordingly.

Proviso: use of surplus.

Investment of sinking fund in bonds.

Sec. 7. That it shall be the duty of said city of Concord, through its board of aldermen, to annually invest any and all moneys arising from the special tax collected under section five of this act in the purchase of any of the said bonds at a price deemed advantageous to said city by said board of aldermen; but in case said bonds cannot be purchased as provided for, then the city of Concord, through its board of aldermen, may lend said sinking fund, or any part thereof, in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security therefor, and for the payment of interest thereon, mortgages or deeds in trust in the name of some trust company, on sufficient real estate; or bonds issued under this act may be taken as collateral security for such loan. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the city of Concord, and shall bear interest payable annually at the rate of not less than six per cent per annum; and in case the city of Concord, through its board of aldermen, shall not be able to invest any or all of said money annually, as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank or banks, trust or safe-deposit company or companies, of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investment, as above directed, shall be invested in the manner as before provided. Any mayor or alderman of said city who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Alternative investments.

Deposit.

Loans to officers forbidden.

Bonds and taxes to be ratified by voters

Sec. 8. That said bonds shall be issued and said taxes levied only in the event that a majority of the qualified voters at an election held for such purpose shall be in favor thereof, which proposition shall be submitted to the qualified voters of said city at the regular city election to be held in said city on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, or at any special election held at any time thereafter, which special election may be called at any time by the mayor and board of aldermen of said city, by publishing a notice thereof once a week for four successive weeks in some newspaper pub-

Time of election.

Special election.

Notice of election.

lished in the city of Concord, at any of which said elections those voting in favor thereof shall cast, in a box for that purpose, ballots with the words written or printed thereon, "For School Bonds," and those opposed to said issue shall cast ballots with the words written or printed thereon, "Against School Bonds." The board of aldermen may order a new registration of the voters in said city for this election. Any special election held under the authority of this act shall be held under the same rules and regulations as regular elections for the election of a mayor and board of aldermen. The judges and registrars of election shall count all said ballots and make return thereof to the board of canvassers in the same manner as is provided in the case of regular city elections, which board shall canvass and judicially determine the result.

Ballots.

Law governing elections.

Count and return of votes.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 93.

AN ACT TO AMEND THE CHARTER OF THE VIRGINIA AND EASTERN CAROLINA RAILROAD COMPANY, BEING CHAPTER 227 OF THE PRIVATE LAWS OF 1907.

The General Assembly of North Carolina do enact:

Section 1. By striking out section fifteen of said act and inserting in lieu thereof the following: "That to provide for the interest of said bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or board of aldermen, or board of commissioners, or other municipal authorities aforesaid subscribing, shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city, or town as make a subscription of bonds to the second-mortgage bonds of the railroad company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, after applying the interest paid on said second-mortgage bonds held by such county, township, city, or town, and an additional sinking fund tax sufficient to provide each year a sum which compounded annually at four per cent interest for fifty years shall be sufficient to equal the principal of said municipal bond at maturity, which amount shall annually be collected as the other taxes are, and paid to the county treasurer or other officer of said county, city, or town authorized by law to perform the duties of treasurer as commissioner of sinking fund."

Special taxes for interest and sinking fund.

Sec. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 94.

AN ACT TO PLACE THE MEMBERS OF THE FIRE DEPARTMENT AND MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON ON A PENSION.

The General Assembly of North Carolina do enact:

Pensions authorized.

Time of service.

Section 1. That full power and authority be and the same are hereby conferred upon the city council of the city of Wilmington to place any person upon a pension who has performed twenty years service in either the fire department of the city of Wilmington or on the police force of the said city, upon the recommendation of the chief of the fire department, if the applicant be a fireman, and if the applicant be a policeman, the recommendation must be made by the chief of the police force, and the recommendation of either the chief of the fire department or the chief of the police force shall first have been approved by the councilman of public safety.

Amount.

Sec. 2. That the said city council shall have full power and authority to designate the amount to be paid and prescribe the rules and regulations under which the same shall be paid.

Limit of application.

Sec. 3. That this act shall apply only to the present members of the fire department and members of the police force and to those who may become members of either department hereafter and serve for twenty years.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 95.

AN ACT TO AMEND CHAPTER 155, PRIVATE LAWS OF NORTH CAROLINA OF 1887, RELATING TO THE CHARTER OF THE TOWN OF BENSON IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Town commissioners.

Section 1. That section four of chapter one hundred and fifty-five, Private Laws of North Carolina of one thousand eight hundred and eighty-seven, relating to the incorporation of the town of Benson in Johnston County, be amended by striking out the word "three," in line two thereof, and inserting in lieu thereof the word "four."

Tax rate.

Sec. 2. That section twenty-one of said chapter one hundred and fifty-five, Private Laws one thousand eight hundred and eighty-seven, be amended by striking out the word "thirty," in line six

thereof, and inserting in lieu thereof the words "sixty-six and two-thirds" and also strike out the words "one dollar" at the end of said section and insert in lieu thereof the words "two dollars."

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 4. This act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 96.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GASTONIA, AND TO CREATE AND ESTABLISH A MUNICIPAL COURT FOR THE CITY OF GASTONIA, IN GASTON COUNTY, AND TO PRESCRIBE THE JURISDICTION AND PROCEEDINGS OF SAID COURT.

The General Assembly of North Carolina do enact:

Section 1. That chapter one thousand and forty-eight of the Private Laws of one thousand eight hundred and ninety-nine of North Carolina and all acts amendatory or supplementary thereof be and the same is hereby amended by striking out the words "Town of Gastonia" wherever they occur in said act or acts, and substituting therefor the words "City of Gastonia." Corporate name.

Sec. 2. That a special or recorder's court for the trial of misdemeanors, and to be designated as "The Municipal Court of the City of Gastonia," is hereby created and established. Municipal court.

Sec. 3. The said court shall be a court of record and shall be presided over by a judge who shall be an elector of the city of Gastonia, of good moral character, and a licensed attorney at law. Court of record. Judge.

Sec. 4. The judge of said court shall be elected by the board of aldermen of the city of Gastonia on or before the first Monday in March, one thousand nine hundred and thirteen, to hold office until the second Tuesday in May, one thousand nine hundred and thirteen, and until his successor shall be duly elected and qualified, and his successor shall be elected by said board at its regular meeting in May, one thousand nine hundred and thirteen, and every succeeding two years thereafter. He shall take and subscribe the oath required by judges of the Superior Courts, and shall receive a salary not to exceed one thousand dollars per annum, to be fixed and determined by the board of aldermen and paid by the city of Gastonia in equal monthly installments. Election of judge. Term of office. Election of successor. Judge to be sworn. Salary.

Sec. 5. The court shall hold daily sessions, Sundays and legal holidays excepted, at the city hall in the city of Gastonia, or other place in said city to be designated by the board of aldermen, the first session to be held on the first Monday in March, one thousand nine hundred and thirteen. Time and place of sessions.

Jurisdiction.

Sec. 6. Said court shall have final, exclusive, original jurisdiction of all misdemeanors occurring or committed within the corporate limits of the city of Gastonia, as follows: Carrying concealed weapons; gaming; keeping gambling-houses; keeping bawdy-houses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the article or articles stolen does not exceed twenty dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; resisting officers; malicious injury to real or personal property; trespassing on lands after being forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without a license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by false pretense; bastardy; disposing of mortgaged property; and all other crimes against the public health, as contained in the Revisal of one thousand nine hundred and five of North Carolina, inclusive of all misdemeanors as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five of North Carolina, and acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year, and all crimes which under the common law are misdemeanors wherein the punishment is in the discretion of the court. All the foregoing offenses are hereby declared to be petty misdemeanors. Said municipal court shall also have final and exclusive original jurisdiction in the territory included in the city of Gastonia, as to criminal matters and proceedings arising under the laws of the State or ordinances of the city of Gastonia wherein the mayor or justices of the peace now or shall hereafter have jurisdiction.

Petty misdemeanors.

Jurisdiction further defined.

Jurisdiction in preliminary hearings.

Sec. 7. That in addition to the jurisdiction given in section six (6) of this act, said court is hereby given exclusive jurisdiction to hear and bind over to the Superior Court all persons charged with any crime committed within the corporate limits of the city of Gastonia wherein preliminary investigation thereof is now conferred on justices of the peace of Gastonia Township or the mayor of the city of Gastonia: *Provided*, no defendant shall under this section be bound over to the Superior Court in any case of which this court has been given final jurisdiction.

Warrant issued.

Sec. 8. Warrants may be issued by the judge of this court, by the clerk of said court, or the substitute judge, for any person or persons charged with the violation of any of the criminal laws of this State, which warrant shall be made returnable before said judge within thirty days from the issuing thereof. Said judge, substitute judge, or clerk may also issue subpœnas, orders, capias, and all other process applicable to said court. Any person convicted in said court shall have the right of appeal to the Superior Court of Gaston County as is now provided for appeals from justices of the peace, and upon such appeal the trial shall be *de novo*.

Warrants returnable.

Other process.

Right of appeal.

Sec. 9. In all cases heard by the judge of said court established by this act as committing magistrate against any person or persons for any offense whereof the court herein established has not final jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance, with sufficient surety, to be fixed by the judge of this court, to appear at the next succeeding term of the Superior Court for Gaston County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Gaston County to await trial as aforesaid: *Provided*, in all capital offenses such person or persons shall be committed to the common jail of said county without bail. Bonds for appearance. Commitment in default of bond.

Sec. 10. All costs incurred in issuing warrants and serving the same when executed by an officer of said city in cases where the judge of said court has not final jurisdiction as aforesaid, and for the service of process arising in such cases when executed by an officer of said city, except as hereinafter provided, shall be paid to the city of Gastonia. Officers serving process issued from said court shall be allowed the same fees as are now allowed sheriffs in like cases, the same, when collected, to be paid over as herein provided. Costs to use of city. Fees of officers.

Sec. 11. All persons pleading guilty or convicted in said court of any offense mentioned in this act shall be fined or imprisoned according to law, and any person entering said plea of guilty or who may be convicted of any offense shall pay the costs of the prosecution. Punishment.

Sec. 12. When any person is convicted or pleads guilty to any offense of which said court has final jurisdiction, said judge may sentence said party to the common jail of Gaston County and assign him to work on the public roads of said county, or in the county workhouse, as provided by law: *Provided, however*, that when any person is convicted or pleads guilty of any offense which is now or shall hereafter be within the final jurisdiction of the mayor of said city of Gastonia or justices of the peace, said judge may sentence said party to the common jail in Gaston County, and assign him to work on the public roads or streets of the city of Gastonia. Convicts sentenced to road work. Proviso: convicts for street work.

Sec. 13. The judge herein provided for shall preside over the said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of said court shall be the same as are now prescribed for courts of justices of the peace and of the Superior Court, so far as the same may be applicable to this court and in so far as not inconsistent with the provisions of this act; and in case of appeal to the Superior Court, as herein provided, every defendant shall be required to give bond, with sufficient surety to be approved by the judge of this court, to insure his appearance at Judge to preside. Proceedings. Bonds on appeal.

Commitment in default of bond.

said court, and in default thereof the judge shall commit such defendant to the common jail of Gaston County until he shall give bond or be otherwise discharged according to law.

Jurisdiction in recovery of penalties.

Sec. 14. The said court shall also have jurisdiction to try all actions for the recovery of penalties imposed by law or by any ordinance of the city of Gastonia for any act done within the corporate limits of said city or within one mile of the corporate limits, and said penalty shall be recovered in the name of the city of Gastonia; and in all cases where judgment may be entered against any person, imposing a fine and costs, or the costs only, and the person against whom the same is adjudged fails or refuses to pay said judgment, it shall be lawful for the judge of said court to order and require said person to be worked either on the public roads of Gaston County or in the county workhouse, or on the roads or streets of the city of Gastonia as herein provided, until at a fair rate of wages such person shall have worked out the full amount of said fine and costs.

Fines and costs worked out.

Seal of court.

Sec. 15. Said court shall have a seal with the impression "The Municipal Court of the City of Gastonia," which seal shall be used in attestation of writs, warrants, and other proceedings, acts or judgments of said court, in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

Officers to whom process may issue.

Sec. 16. The process of said court may be issued to the chief of police or to the city police of the city of Gastonia, or to the sheriff, constable, or other lawful officer of Gaston County or any other county in the State of North Carolina, and such process, when attested by the seal of said court, shall run anywhere in the State of North Carolina, and shall be executed by all officers, and returns made according to law: *Provided*, no seal shall be required upon any process issued by or from said court to any officer in the city of Gastonia or the county of Gaston.

Process under seal.

Proviso: seal not necessary within county.

Substitute judge.

Sec. 17. Should the judge of this court be prevented from attending to his duties on account of sickness or other temporary disability, or by absence from the city of Gastonia, then in that case the board of aldermen of the city of Gastonia shall elect a substitute judge, who shall have all the jurisdiction, power, and authority herein conferred upon the duly elected judge of said court during the time said judge is prevented from attending to his duties as aforesaid. Said substitute judge shall be a duly licensed attorney at law and an elector of the city of Gastonia. His compensation shall be the same as that of the regular judge for each day that he shall preside over said court as aforesaid, to be deducted from the compensation due to the regular judge.

Jurisdiction, power, and authority.

Qualifications and compensation.

Tax fees.

Sec. 18. In each case disposed of by said judge or substitute judge where the defendant is convicted or pleads guilty, there shall, in addition to other lawful costs, be allowed the following fees, to be taxed as part of the costs against the defendant, viz.: for the judge of said court, two dollars; for the prosecuting attor-

ney, one dollar for each person convicted of an offense within the jurisdiction of justices of the peace, or that heretofore exercised by the mayor of said city, and in all other cases within the jurisdiction of said municipal court, one dollar and fifty cents; and the clerk of said court shall receive the same fees for all warrants and other process, papers, or affidavits as are now allowed to the clerks of the Superior Courts and justices of the peace in similar cases. All fines collected shall be paid by the clerk of said court to the city treasurer, as provided by law, and all fees allowed by law for an arrest or the serving of other process in a criminal action, when the same shall have been made by the chief of police, or other city officer who is on a salary, shall be paid to the treasurer of the city of Gastonia for the use of said city and to reimburse it for the expense of supporting said court.

Fees of clerk.

Fines and costs paid over to city treasurer.

Sec. 19. The clerk of said court shall be appointed by the board of aldermen of the city of Gastonia on or before the first Monday in March, one thousand nine hundred and thirteen, to serve until the second Tuesday in May, one thousand nine hundred and thirteen, when the board of aldermen of the city of Gastonia shall elect his successor to serve for the term of two years and until his successor shall have been duly elected and qualified, and his successor shall be elected by said board every two years thereafter. And said clerk shall be an *ex officio* justice of the peace, with all the power and authority belonging to justices of the peace in said Gastonia Township. Before entering upon the duties of said office as such clerk, he shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars, payable to the State of North Carolina, for the use and benefit of said city of Gastonia, for the true and faithful performance of his duties as such clerk and for the faithful accounting for and paying over of all moneys which may come into his hands by virtue of the said office. Said bond shall be approved by the board of aldermen of the city of Gastonia. Said clerk shall be paid by the city of Gastonia a salary, to be fixed within the discretion of the board of aldermen, not to exceed the sum of six hundred dollars per annum, to be paid in equal monthly installments. Said clerk shall make monthly settlements with the county and city treasurer: *Provided*, the office of clerk may be combined by said board with any other city office and one person may be elected by said board to perform the duties of both offices.

Election of clerk.

Term of office.

Election of successor.

Ex officio justice of the peace.

Bond of clerk.

Salary of clerk.

Monthly settlements.

Proviso: combination of offices.

Sec. 20. The board of aldermen of the city of Gastonia shall, on or before the first Monday in March, one thousand nine hundred and thirteen, elect a prosecuting attorney for said court, who shall serve until the second Tuesday in May, one thousand nine hundred and thirteen, and until his successor shall have been duly elected and qualified; and the board of aldermen shall at their regular meeting on the second Tuesday in May, one thousand nine hundred and thirteen, elect a prosecuting attorney, who is a qualified elector of the city of Gastonia, for the term of two years

Election of prosecuting attorney.

Term of office.

Election of successor.

and until his successor shall have been duly elected and qualified, and his successor shall be elected on the second Tuesday in May every succeeding two years; and for such service he shall be paid by the city of Gastonia such an amount per annum as may be fixed by the said board of aldermen, in equal monthly installments, not to exceed eight hundred dollars per annum: *Provided*, said office of prosecuting attorney may be combined by said board with any other city office, and one person may be elected by said board to perform the duties of both offices: *Provided*, that the mayor may appoint a competent attorney at law to act as prosecuting attorney during the absence or illness of the regularly appointed prosecuting attorney, who shall receive the same compensation per day as the regularly appointed prosecuting attorney, and the same shall be deducted from the compensation of the latter.

Salary.

Proviso: combination of offices.

Proviso: temporary appointment.

Judge and prosecuting attorney may practice law.

Sec. 21. That the judge or prosecuting attorney of the municipal court shall not by reason of their office be prohibited from practicing the profession of an attorney at law in any court or courts of the State or United States, except as to matters connected with or growing out of said municipal court.

Records kept by clerk.

Sec. 22. It shall be the duty of the clerk of said court to keep an accurate and true record of all costs, fines, and penalties, forfeitures, and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender and the nature of the offense, the date of hearing and trial, and punishment imposed, which said record shall at all times be open and subject to inspection by the board of aldermen or other persons having business relating to said court. He shall keep a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also keep in proper files, to be provided by the city of Gastonia, the record of all cases which shall be disposed of in said court, and what disposition has been made of them.

Record open for inspection.

Docket.

Files.

Transfer of case.

Sec. 23. All cases which have heretofore been hearable by the mayor of the city of Gastonia shall, after the election and qualification of the judge provided for in this act, be tried by the judge of said municipal court, but no cases which are pending in the Superior Court of Gaston County at the time this act goes into effect shall be transferred to said municipal court, but the same shall be disposed of in that court: *Provided*, no case can be removed from said judge as is now provided for the removal of a case from one justice of the peace to another.

Proviso: cases not removable.

Power to remove clerk.

Sec. 24. The board of aldermen of the city of Gastonia shall at any time have the right to remove the clerk of said court, either for incompetency or neglect of the duties of his office, and in the event of a vacancy from any cause in said office said board shall have the right to fill the same.

Vacancies.

Sec. 25. That whenever under judgment of said court any defendant is sentenced to the common jail of Gaston County to work on the public roads or in the county workhouse of said county, or to pay a fine and the costs of the action, or the costs only, as provided by this act, and the said defendant is imprisoned in the common jail as aforesaid, and assigned to the public roads or to the county workhouse of said county as aforesaid, for the purpose of working out said fine and costs, or the costs only, as the case may be, and such judgment is carried into effect, the said county of Gaston shall be liable for and shall pay to the treasurer of the city of Gastonia the amount of the costs taxed in said case, as taxed by the clerk of the said municipal court. County to pay costs of convicts assigned to road work.

Sec. 26. Said court shall have full power, in any case in which he shall adjudge that the prosecution was not required by the public interest, to tax the prosecutor with the costs of said action, and in the event said court shall adjudge that such prosecution is frivolous or malicious, he may imprison such prosecutor for the nonpayment of such costs, as provided in section one thousand two hundred and ninety-seven of the Revisal of one thousand nine hundred and five of North Carolina, until such costs are paid: *Provided*, when such costs are paid they shall belong to the city of Gastonia. Prosecutor taxed with costs. Imprisonment for nonpayment. Proviso: costs to use of city.

Sec. 27. That the court created by this act shall have the same authority for granting continuances, taking bonds, recognizances, and rendering judgment on forfeited bonds and recognizances as is now vested by law in the Superior Courts of said State, and the rules of law regulating the issuing and service of notices against defendants and their sureties upon such bonds and recognizances, and all proceedings for taking and enforcing judgments in such cases shall be the same as is now provided in like cases for the Superior Courts of the State. Transcripts of any judgment rendered in any case may be docketed in the Superior Court of Gaston County in the same manner and with like effect of any other judgment docketed as provided by law in said court. Further enumeration of powers of court. Proceedings. Transcripts.

Sec. 28. Said court shall have the same power to punish for contempt and as for contempt as is given to the Superior Courts of this State by chapter seventeen of the Revisal of one thousand nine hundred and five of North Carolina, and the procedure in such matters shall be the same as is now provided for said Superior Courts. Punishment for contempt.

Sec. 29. In all cases the said court shall have the right to amend any warrant issued by the judge of the court or the clerk of said court, or sent up by any magistrate, as hereinbefore provided for, in the same way and to the same extent as justices of the peace are now authorized by law to make amendments of warrants issued in their courts. Amendment of process.

Sec. 30. The clerk of said court shall monthly furnish to the board of county commissioners of Gaston County a statement of the cost of maintenance of said court, and the board of commis- Statement of cost of maintenance.

Contribution from county.

sioners of Gaston County at their regular monthly meeting shall pay to the treasurer of the city of Gastonia twenty-five dollars each month to aid in defraying the cost of maintenance of said court.

Justices' warrants returnable to court.

Sec. 31. This act shall not interfere with justices of the peace in the city of Gastonia in issuing warrants and other papers, but in all criminal cases they shall make all warrants or process returnable to the said municipal court within thirty days from the issuing thereof.

Sec. 32. That all laws and clauses of law in conflict with this act are hereby repealed.

Sec. 33. That this act shall be in force from and after its ratification.

Ratified this the 22d day of February, A. D. 1913.

CHAPTER 97.

AN ACT FOR THE RELIEF OF MARSHALL D. EDMUND.

Preamble: incorporation of association.

Preamble: time for registration.

Whereas by chapter five hundred and three of the Public Laws of nineteen hundred and three, the North Carolina State Veterinary Medical Association, was incorporated; and whereas section eleven of said act allowed all persons who had previously practiced veterinary medicine or surgery to continue their profession by filing the proper affidavit and having their names registered in the

Preamble: neglect to register.

office of the clerk of the Superior Court; and whereas Marshall D. Edmund has been practicing veterinary medicine and surgery in Columbus County regularly for twenty-five years, but has neglected to register as provided by said law: therefore,

The General Assembly of North Carolina do enact:

Registration authorized.

Section 1. That said Marshall D. Edmund shall be allowed until March the fifteenth, nineteen hundred and thirteen, to file the proper affidavit and register his name in the office of the Clerk of the Superior Court of Columbus County, and the said Marshall D. Edmund shall succeed to all the rights and privileges as guaranteed under said chapter five hundred and three of the Public Laws of North Carolina, session nineteen hundred and three.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 98.

AN ACT TO INCORPORATE THE CHADBOURN MEMORIAL ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. That E. J. Britt, M. F. Lowe, Frank Strole, D. Baugh- Corporators.
ner, and Rachel Wilkes and other persons as may associate themselves with them for the purpose hereinafter mentioned, and their successors, be and they are hereby made a body politic and corporate under the name and style of the Chadbourn Memorial Corporate name.
Association, and by that name may sue and be sued, plead and be impleaded in all the courts of this State, contract and be contracted with, and have a common seal.

Sec. 2. That the said corporation may acquire and hold by Power to acquire land for cemetery.
purchase, gift, or otherwise as much land as may be necessary for the purpose of establishing and maintaining a cemetery near the town of Chadbourn, Columbus County, and may sell or dispose of To sell land for burial lots.
land and suitable burial lots to be used exclusively for a place of burial for the dead of said town and all such other people as the officers of said association may permit to be buried therein: *Provided*, no negro or any person of African descent shall be buried Proviso: burial of negroes in cemetery forbidden.
on any lot belonging to said association.

Sec. 3. That the real estate of said corporation and the burial Property exempt from taxation and execution.
lots and plats conveyed by said corporation to individuals shall be exempt from assessment and taxation, and shall not be liable to be sold under execution.

Sec. 4. That the land acquired by said corporation by purchase Dedication of land.
or otherwise shall remain forever dedicated for the purpose of a cemetery. Any lot or lots thereon which said corporation shall Sales under restrictions.
convey to any individual proprietor may be so conveyed as to the right to limit the number of interments to be made therein, and to restrict interments in such lots of such person or persons or class of persons as may be designated in the conveyance and not inconsistent with section two of this act under which such lot or lots may be originally taken or held.

Sec. 5. That all the moneys derived from the sale of said lots or Use of funds.
otherwise shall be used, disbursed, and expended for the purpose of keeping up, maintaining, and beautifying said cemetery.

Sec. 6. That all conveyances of real estate of said corporation Conveyances.
shall be signed by its president and attested by its secretary and its common seal affixed thereto.

Sec. 7. The officers of this corporation shall consist of a presi- Officers and terms of office.
dent, a secretary, and three directors, who shall be elected by the members of said Memorial Association, whose terms of office shall be fixed by the by-laws of said corporation.

Further powers.

Sec. 8. This corporation shall have all such powers as are necessary to carry out the object for which it is created.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 99.

AN ACT TO PERMIT THE CITY OF REIDSVILLE TO BORROW MONEY TO PAY DEBTS INCURRED FOR ENLARGING ITS WATER SYSTEM AND ESTABLISHING A FILTER PLANT.

The General Assembly of North Carolina do enact:

Issue and sale of obligations authorized.

Section 1. That in order to pay debts incurred by the city of Reidsville in extending, enlarging, and equipping its water system and establishing a filter plant, the board of commissioners of said city are hereby authorized and empowered to issue and sell its obligations, of such form as it may desire, to an amount not exceeding sixty thousand dollars; said obligations shall bear such rate of interest as said board may determine, and shall mature at such times as it may desire. They shall not be sold at less than par.

Amount.

Interest.

Sale below par forbidden.

Special tax.

Sec. 2. Said board is authorized to levy a special tax, if necessary, on all taxable property in said town to pay said obligations as they mature and the interest thereon as it becomes due.

Sec. 3. This act shall be in effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 100.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ANDREWS, IN CHEROKEE COUNTY, IN REFERENCE TO SIDEWALKS.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-three of chapter one hundred and thirty-five of the Private Laws of nineteen hundred and five be and the same is hereby amended by adding the following words to the end of said section: "The board of aldermen may, in their discretion, extend the time of payment by the real estate owner for the cost of such paving, or any part thereof; and all such extended payments, whether payable in one or more installments, shall bear interest from the time of completion of the paving until paid, at six per cent per annum. And all sums which are payable by the real estate owners as aforesaid shall be and re-

Extension of time for payment.

Interest on payments.

Lien on real estate.

main a lien upon all said real estate until paid, but not exceeding ten years from the time said paving was completed. Said lien shall have priority over all other liens, and the board of aldermen shall have the right to enforce all such liens, and collect the amount due thereon, with interest, in the manner provided in said section twenty-three. Neither the failure to give any notice to the real estate owner requiring him to pave the sidewalk in front of his property, nor the inability to prove the giving of such notice, nor the allegation of defective quality in the paving, shall defeat the right of the board of aldermen to recover any part of the cost of such paving. Any defects which may appear in any paving done under the direction and at the cost of the board of aldermen shall be repaired at the expense of the town, but this provision shall not apply to paving done by the real estate owner. In all cases where sidewalks are paved, either by the owner, in a manner acceptable to the board of aldermen, or under the direction of the board itself, the town shall bear one-half the expense of grading and paving: *Provided*, that the amount chargeable to the town shall not exceed one-half of a sidewalk six feet wide."

Priority of lien.

Failure of notice not to defeat rights.

Repairs.

Apportionment of expense.

Proviso: amount chargeable to town.

Sec. 2. That the provisions of this act shall be held to apply to any paving heretofore done by the board of aldermen and for which payment has not been made to the town by the real estate owner, as well as any paving which may hereafter be done by the direction of or by the approval of the board of aldermen.

Paving heretofore done.

Sec. 3. That this act shall be in force from and after June first, one thousand nine hundred and thirteen.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 101.

AN ACT TO AUTHORIZE THE BOARD OF LIGHT AND WATER COMMISSIONERS OF THE CITY OF CONCORD, NORTH CAROLINA, TO CONVEY TO THE GRADED SCHOOL BOARD OF SAID CITY ITS LOT IN CONCORD.

The General Assembly of North Carolina do enact:

Section 1. That the board of light and water commissioners of the city of Concord be and they are hereby empowered to execute a deed, in its corporate name, by its proper officers, for its lot, or any part of same, lying on the south side of Spring Street of Concord, adjoining the lands of Lyla Black, the graded school board property, J. L. Crowell, and others, to the graded school board of said city, with such reservations and restrictions as the said board of light and water commissioners may deem wise.

Conveyance authorized.

Description.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 102.

AN ACT TO AUTHORIZE THE TOWN OF BLACK MOUNTAIN TO ISSUE BONDS FOR WATERWORKS, SEWERAGE, AND OTHER PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Purpose of issue.

Interest.

Maturity.

Denominations.

Special tax.

Section 1. That the town of Black Mountain in Buncombe County be and it is hereby authorized and empowered to issue bonds in the sum of five thousand dollars for the purpose of enlarging and extending its waterworks and sewerage system, and other public purposes; said bonds shall draw interest at the rate of six per cent per annum; interest to be payable semiannually and the said bonds shall mature thirty years after their date; the said bonds to be in such denominations and payable at such place as the said town may determine.

Sec. 2. That said town of Black Mountain is hereby authorized and empowered to levy annually a special tax of sufficient rate to pay the interest as it becomes due and the principal of said bonds at maturity.

Sec. 3. That all laws in conflict with this act be and the same are hereby repealed.

Sec. 4. This act shall be effective from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 103.

AN ACT TO AMEND CHAPTER 182 OF THE PRIVATE LAWS OF 1905, AND TO AUTHORIZE THE BOARD OF EDUCATION OF CHEROKEE COUNTY TO APPOINT TWO TRUSTEES FOR ANDREWS SCHOOL DISTRICT, No. 4.

The General Assembly of North Carolina do enact:

Number of trustees.

Section 1. That section eight of chapter one hundred and eighty-two of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the word "three" after the word "of," in line two of said section, and inserting in lieu thereof the word "five."

Election of additional trustees.

Sec. 2. That the Board of Education of Cherokee County at its regular meeting in April, one thousand nine hundred and thirteen, shall appoint, in addition to the one to be appointed at that time as required to be appointed by said section, two additional trustees, resident taxpayers of the district, who are known to be in

favor of schools, whose term of office shall be determined by said board, neither of which shall exceed six years. Term of office.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 104.

AN ACT TO REPEAL THE PRESENT CHARTER OF THE TOWN OF MORGANTON AS IT IS NOW INCORPORATED UNDER THE NAME AND STYLE OF "THE BOARD OF COMMISSIONERS OF MORGANTON," AND ALL AMENDMENTS TO SAID CHARTER, AND TO INCORPORATE THE TOWN OF MORGANTON AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Article I.

Name, Rights, and Liabilities.

Section 1. That the inhabitants within the territory set out and described in section three of this article shall continue, as they have heretofore been, a body politic and corporate under the name and style of "Town of Morganton," and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed to it, and may invest, sell, or dispose of same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights, and privileges necessary for its proper government or usually appertaining to municipal corporations. Corporation. Corporate name. Corporate powers.

Sec. 2. That all property, real, personal, and mixed, of whatever character or description and wheresoever situate, whereof the said town of Morganton is now lawfully seized under its incorporation as the Board of Commissioners of Morganton, or which may hereafter be donated, conveyed to, or be in any manner acquired by said town under its present corporation, shall vest in and remain and inure to the said town of Morganton as herein chartered, in fee simple, and the passage and ratification of this charter shall in no wise release the said town of Morganton from any liabilities that now exist against said municipality as heretofore incorporated under the name of the Board of Com- Vestment of property. Liabilities.

missioners of Morganton, but the same shall continue in full force against the municipality hereby created; and it shall be the mandatory duty of the town council hereinafter established to provide for the liquidation of the outstanding indebtedness of said town by continuing to add to the levy of the taxes annually made for the current expenses of said town, to an amount sufficient to pay the interest on, and create a sinking fund for the discharge of, so much of the bonds still outstanding against said town as were issued by the board of commissioners of Morganton under the provisions of the several acts of the General Assembly of North Carolina passed at its session of one thousand eight hundred and eighty-nine, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-nine, one thousand nine hundred and five, and such as have been or may be issued under the acts of one thousand nine hundred and eleven; such additional taxes to be levied and collected in the manner provided in the several acts under which said several series of bonds were issued, and the said town council is further authorized and empowered, at such time or times as it may deem fit, to issue coupon bonds in the name of and payable by said town of Morganton to refund the present floating indebtedness of said town as now evidenced by notes given for the necessary expenses and improvements of said town, aggregating four thousand three hundred dollars ($4,300), as follows: two thousand three hundred, balance of electric-light plant notes, and two thousand of street improvement notes; said bonds to be issued in such denominations and to run such length of time, not exceeding twenty years, and to bear such rate of interest, not exceeding six per cent per annum, as said town council may designate and determine, and in no case to be sold or exchanged at less than par. The town council at the time of issuing of such bonds to be used in refunding the floating indebtedness of said town aforesaid, shall, in the manner prescribed for the levying of other taxes in said town, provide for levying a tax to pay the interest on said bonds and to create a sinking fund for their discharge at maturity.

Outstanding debt.

Refunding bonds.

Amount.

Denominations.

Maturity.

Interest.

Sale below par forbidden.

Special tax.

Corporate limits.

Sec. 3. That the corporate limits of said town of Morganton shall include all of the territory within the following boundaries, to wit: Beginning at Morgan's Hill bridge across the North Carolina Railroad track and runs to a point one hundred yards due south of the residence of Rev. Neilson Falls; then to the one-mile post on the Asheville Road; then to and including Neil Caldwell's house on the road above McDowell Ford; thence to the Cascade, then a direct line to the north corner of the lot of S. J. Ervin's on the Lenoir Road; thence to the south corner of the fair ground so as to include the residence of W. E. Powe; then to the east corner of the White Cemetery, including all the cemetery; thence a direct line towards John Campbell's residence to a point ten feet south of the Western North Carolina Railroad

track; then west parallel with the line of said railroad to Break Neck Branch at point ten feet south of the said track; then with the branch to Hunting Creek to the mouth of the branch at the foot of Vine Hill; thence up said branch to the Western North Carolina Railroad track at the "Spa" spring; thence with the Western North Carolina Railroad to the beginning.

Officers for municipal elections.

Sec. 4. The town council shall appoint a registrar and two judges at least forty days before any general or special municipal election. The name of the registrar and judges of election shall appear in the notice calling for the municipal or special election. The registrar shall be furnished at the expense of the town with registration books, ballot boxes, and such blank forms as are required by this charter. It shall be his duty, after being qualified, to perform the functions of his office, impartially and according to law, to open and to keep open registration books for thirty days immediately preceding the day of election, that is, the municipal election. He may require any person offering to register for any municipal election to take and subscribe an oath that he has resided in the State of North Carolina two years and in the town of Morganton for one year immediately preceding said election, and that he is twenty-one years of age.

Notice of election.

Registration books, ballot boxes, and forms.

Registration.

Registration oath.

False swearing a misdemeanor.

Punishment.

Sec. 5. If any person willfully swear falsely in taking the oath mentioned in the preceding section, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding two hundred dollars or be imprisoned not exceeding sixty days.

Conduct of elections.

Sec. 6. That after being duly sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law, the registrar and judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of the municipal election then being held, superintend and conduct the election in like manner and during the same hours as elections for members of the General Assembly of North Carolina are conducted.

Count and return of votes.

Sec. 7. The registrar and judges of election shall, immediately upon the closing of the polls, publicly count the ballots and ascertain the number of votes cast for each person for the office for which he was a candidate; and they shall forthwith make returns thereof to the town council upon the blank forms furnished by the town manager.

Persons declared elected.

Sec. 8. At a municipal election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office; and if two or more persons are to be elected to the same office the several persons receiving, respectively, the highest number of votes, the second highest, and so on to the number to be chosen to such office, shall be deemed and declared to be elected; but if two or more persons receive the same

Ties decided by lot.

number of votes for an office for which no person or the required number of persons have not been elected, the persons receiving an equal number of votes shall decide by lot which one shall be deemed and declared to be elected.

Vacancies in election offices.

Sec. 9. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him, after being duly sworn, or if a vacancy should occur in said office for any reason, then the mayor may appoint to fill the vacancy. The registrar and judges of elections shall receive for their services such compensation as shall be fixed by the town council; but such compensation shall in no event exceed that allowed by law for registrars and judges holding elections for members of the General Assembly of North Carolina.

Pay of election officers.

Vacancy for failure to qualify.

Sec. 10. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such, as hereinafter provided.

Informalities not to invalidate election.

Sec. 11. No informalities in conducting municipal elections in the town of Morganton shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this chapter.

Forfeit for failure to discharge duties.

Sec. 12. That if the town council shall fail to give notice of an election as herein provided, to hold and declare the same in like manner as herein prescribed, or if any officer fails to fairly and impartially perform the duties herein required to be performed by him, each of them as shall be in fault shall forfeit and pay, for the equal benefit of the town and of him who shall sue therefor, one hundred dollars.

Service to candidate for reward a misdemeanor.

Sec. 13. Any person who shall agree to perform any service in the interest of any candidate for any office provided in this act, in consideration of any money or other valuable thing, shall

Punishment.

be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars or be imprisoned in the county jail not exceeding six months.

Offer or acceptance of bribe misdemeanor.

Sec. 14. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any municipal election provided for in this charter, or any elector entitled to vote at any such election receiving and

Punishment.

accepting such bribe or other consideration, shall be fined a sum not less than one hundred dollars nor more than five hundred, or be imprisoned in the county jail not less than four months nor more than twelve months.

Existing municipal government to continue.

Sec. 15. That all duties herein imposed upon the mayor, the town council, and the town manager, with reference to municipal elections, shall, prior to the election and qualification of the mayor, aldermen, and town manager in one thousand nine hundred and thirteen, be performed by the mayor, board of commissioners, and the clerk of the board of commissioners of Morgan-

ton as now constituted, and said last mentioned mayor and board of commissioners of Morganton shall continue to exercise the power and authority now vested in them under the law, until the election and qualification of the mayor, aldermen, and town manager herein provided for.

Article II.

Elections and elective officers.

Section 1. The general municipal election shall take place annually on the first Monday in April, except as otherwise herein provided; and the municipal year shall begin at ten o'clock in the forenoon of the second Monday in May, and shall continue until ten o'clock in the forenoon of the second Monday of the following May. Municipal elections. Municipal year.

Sec. 2. On the first Monday in April, one thousand nine hundred and thirteen, the mayor and two aldermen shall be elected by the qualified voters of the town of Morganton. The person who is elected mayor at said election shall serve as mayor during a term of one year, and, at the expiration of said term and without formal election, shall serve as alderman during a term of two years. The person who shall receive the larger number of votes for alderman at said election shall serve during a term of two years. The other person elected alderman at said election shall serve during a term of one year. Election of mayor and aldermen. Term of mayor. Terms of aldermen.

Sec. 3. On the first Monday of each year after the year one thousand nine hundred and thirteen the mayor shall be elected by the qualified registered voters of the town of Morganton. The person elected mayor shall serve as mayor during a term of one year, and at the expiration of said term and without formal election shall serve as alderman during a term of two years. Further elections of mayor.

Recall.

Sec. 4. The holder of any elective office, whether elected or appointed by this act, may be removed at any time by the electors qualified to vote for a successor for such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote at the last preceding general election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper Officers subject to removal. Procedure for removal. Signatures.

Petition to be sworn.

Examination of petition.

Amendment of petition.

Examination of amended petition.

Submission to commissioners.

Order for election.

Time of election.

Publication of notice and arrangements for election.

Term of successor.

Candidacy of incumbent.

Candidate elected.

Incumbent removed from office.

Vacancy for failure to qualify.

Incumbent re-elected.

Method of removal cumulative.

Persons removed or resigning under charges ineligible for one year.

Limitation on recall.

shall make an oath before an officer competent to administer oaths, that the statement therein made is true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk or mayor shall examine, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of said examination. If by the clerk or mayor's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk or mayor shall, within ten days after such amendment, make like examination of the amended petition, and if this certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk or mayor shall submit the same to the board of commissioners without delay. If the petition shall be found to be sufficient, the board of commissioners shall, if the officer sought to be removed shall not resign within five days after the date on the clerk's certificate, order and fix a date for holding the said election, not less than thirty days or more than forty days from the date on the clerk's certificate to the board of commissioners that a sufficient petition is filed. The board of commissioners shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the person who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation. No recall petition shall be filed against any officer until he has

actually held his office for at least six months, and but one recall petition shall be filed against the same officer during his term of office.

INITIATIVE.

Petitions proposing ordinance.

Sec. 5. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment, and submission of such petition shall be the same as provided for petitions under the last section. If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the votes cast at the last preceding general municipal election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the board of commissioners, such board of commissioners shall either—

Petition by 15 per cent of voters.

Adoption of ordinance.

(*a*) Pass said ordinance without alteration within twenty days after attachment of the clerk or mayor's certificate to the accompanying petition, or

Election on proposition.

(*b*) Forthwith, after the clerk or mayor shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of commissioners shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the city. But if the petition is signed by not less than ten nor more than fifteen per centum of the electors, as above defined, then the board of commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the clerk's certificate of sufficiency is attached to said petition. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on such ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose. The board of commissioners may submit a proposition for the repeal of any such ordinance or for amendment thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance

Petition by 10 and not more than 15 per cent of voters.

Ballots.

Ordinance in effect if ratified.

Repeal or amendment.

Number of ordinances not limited.

Limit of elections.

Election for repeal or amendment.

Propositions to be published.

shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk or mayor shall cause such ordinance or proposition to be published once in at least one of the newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

REFERENDUM.

When ordinances effective.

Sec. 6. No ordinance passed by the board of commissioners, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the board of commissioners, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the board of commissioners, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board of commissioners to reconsider such ordinance; and if the same is not entirely repealed, the board of commissioners shall submit the ordinance, as is provided by subsection (*b*) of section headed "Initiative" of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section sixteen, except as to the percentage of signers, and be examined and certified to by the clerk or mayor in all respects as therein provided. Any ordinance or measure that the board of commissioners or the qualified electors of the city shall have authority to enact, the board of commissioners may, of its own motion, submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this act for ordinances or measures submitted on petition. At any special election called under the provisions of this act, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted to such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest number of votes shall control.

Suspension of ordinance by petition of protest.

Ordinance submitted to election.

Requirements of petition.

Voluntary submission of ordinance to vote.

Questions submitted at special election.

Highest number of votes to control.

Article III.

The Town Council.

Town council.

Section 1. The legislative and general regulative powers of the town of Morganton shall be vested in a town council which shall be composed of the mayor and two aldermen.

Qualifications for membership.

Sec. 2. The qualifications of the members of the town council shall be two years residence in the town of Morganton and the qualifications required for members of the more numerous house of the General Assembly of North Carolina. The town council shall be the judge of the election and qualifications of its own members, subject to review by the courts.

Council judge of election and qualification.

Members to be sworn.

Sec. 3. The members of the town council before entering upon their duties shall severally take and subscribe an oath before a justice of the peace to perform faithfully the duties of their office.

Vacancies.

Sec. 4. If a vacancy shall occur in the town council, the remaining members shall elect a person to fill the vacancy until the next municipal election, at which the vacancy shall be filled for the unexpired term by the qualified registered voters of the town.

Regular meetings.

Sec. 5. The town council shall hold regular meetings on the first Monday in each month at some regular hour to be fixed by said council from time to time, and publicly announced by it; and it may hold such adjourned and called meetings as may be necessary or convenient.

Adjourned and called meetings.

Quorum.

Sec. 6. Two members shall constitute a quorum to transact business, but one member may adjourn from day to day and compel the attendance of absent members. Any two members may call a meeting. All special or adjourned meetings at which any person not a town officer is present, and all regular meetings, shall be open to the public. Any citizen may have access, during reasonable hours, to the minutes of the town council upon application to the town manager.

Meetings open to public.

Access to minutes.

Resolutions, by-laws, and ordinances to be passed at two meetings.

Sec. 7. No resolution, by-law, or ordinance appropriating any money for any purpose, providing for any public improvements, enacting any regulation concerning the public safety or public health, levying any tax, or of any other general or permanent nature except a proclamation of quarantine or other emergency measure concerning the public safety or public health, shall be enacted, unless said resolution, by-law, or ordinance shall have been read twice and passed two readings, which readings shall have been on two different days and one of which must be at a regular meeting: *Provided*, any emergency measure enacted shall be effective only until the first regular meeting after its enactment, unless ratified at such meeting.

Proviso: emergency measures.

Revisals, re-enactment and amendments.

Sec. 8. No ordinance shall be revised, reënacted, or amended by reference to its title only, but the ordinance to be revised or reënacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method for the adoption of ordinances.

Propositions reduced to writing.

Sec. 9. Every motion, resolution, by-law, or ordinance introduced at any meeting shall be reduced to writing and read before any vote shall be taken, and the yeas and nays thereupon shall be recorded. A record of the proceedings of every meeting shall be kept by the town manager in a well-bound book, and every resolution, by-law, or ordinance passed by the town council, and every motion made at any meeting, must be recorded in such book, and the records of the proceedings of the meetings must be signed by at least two members of the town council.

Record of proceedings.

Record to be signed.

Motion presented by citizens.

Sec. 10. Any three citizens may appear before the town council at any of its regular meetings, and may present a written motion. Said motion shall be acted upon by the town council in the regular course of business within fifteen days.

Action on motion.

Members not excused from voting.

Sec. 11. No member shall be excused from voting except upon matters involving the consideration of his own official conduct. In all other cases a failure to vote by a member who is present, or who, having been present, has withdrawn from the meeting without being excused, shall be deemed and shall be entered upon the minutes as an affirmative vote.

Failure to vote taken as affirmative.

Powers of council.

Sec. 12. To enact all ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove nuisances, and to preserve and to enforce the good government, order, and security of the town and its inhabitants, and to enact ordinances upon any subject: *Provided*, that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this charter: and *Provided further*, that the grant of particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this charter to grant and bestow upon the inhabitants of the town of Morganton full power of self-government, to be exercised in accordance with the general plan of this charter. All ordinances of the town of Morganton when printed and published and bearing on the title page thereof the words, "Ordained and published by the Town of Morganton," or words of like import, shall be *prima facie* evidence of their authenticity, and shall be admitted and received in all courts and places without further proof.

Proviso: ordinances to be consistent with law.

Proviso: grant of powers not as limitation.

Printed ordinances as evidence.

Public-service corporations.

(*b*) To exercise such control over and power to require all public-service corporations, and all people doing a public-service business in the town of Morganton, to make such reports, and have a right to the inspection of such books and papers, as the North Carolina Corporation Commission has the right to control, require, and inspect under the laws now enacted or which may be enacted with reference to public-service corporations doing business in the State of North Carolina.

Attendance of witnesses and production of books and papers.

(*c*) To summon and compel the attendance of witnesses, and the production of books and papers before it whenever it may be deemed necessary for the more effective discharge of its duties,

and shall have power to punish for contempt of said town council with the same fines and penalties that the recorder of Burke County may impose for contempt of his court. All processes necessary to enforce the powers conferred by this subsection shall be signed by the mayor, addressed to the town manager, and shall be served by him or any member of the police department. Power to punish for contempt. Issue and service of process.

(*d*) To make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls and claims, and order payment thereof. It shall make all assessments for the costs of street improvements, sidewalks, sewers, and other work, or improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the town unless either made by ordinance or resolution adopted by the town council, or reduced to writing and approved by said council, or expressly authorized by ordinance or resolution adopted by the town council. All contracts and all ordinances shall be drawn by the town attorney, or submitted to such officer before the same is made or passed. Public buildings and improvements. Taxes and finances. Assessments for improvements. Contracts. Contracts and ordinances drawn by town attorney.

(*e*) To issue, and it shall be their duty to issue, general and special orders, by resolution, to the town manager, giving him power and authority to carry out, in accordance with law, all administrative powers and duties, in addition to those herein expressly conferred, that the town council may deem wise. Orders to town manager.

(*f*) To require the town manager to present, once a month, a complete report, financial and otherwise, of the activities of the several departments of the town government, and special reports at any time. Monthly reports.

(*g*) To validate any lawful act performed by any administrative officer of the town without its previous authority. Validation of acts of officers.

(*h*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, gas, power, or other public-service purposes, whenever the conditions upon which such franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered, or forfeited. Forfeit and termination of franchise.

(*i*) To open new streets, change, widen, extend, and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and parks and other public property belonging to the town as it may deem best for the public welfare of the citizens of the town. Establishment, change, and regulation of streets, squares, and parks.

(*j*) To lay out, establish, and regulate parks within or without the corporate limits of the town for the use of the inhabitants of the same. Parks within or without town.

(*k*) To erect, repair, and alter all public buildings; to condemn any land that may be required for the purpose of erecting any building or buildings, for town hall, market house, fire companies, and for any other buildings, whether like those enumerated Public buildings. Condemnation of land.

Proviso: procedure for condemnation.

above or not: *Provided*, that the procedure in such condemnation proceedings shall be the same as is herein provided for the condemnation of lands for streets.

Acceptance of money or property.

(*l*) To accept any money or property for the purpose of any public or corporate use.

Issue of bonds.

(*m*) To issue bonds of the town only after they have passed an ordinance by a two-thirds vote of the town council at two separate regular meetings, submitting the question of issuing the same to a vote of the people, and after a majority of the qualified registered voters of the town shall have voted in favor thereof. No election for this purpose shall be held until thirty days notice thereof shall have been given by the town council in some newspaper published in the town of Morganton. At such election those who favor issuing such bonds shall vote a ballot on which shall be printed or written the words "For Bonds," and those who oppose it shall vote a ballot on which shall be printed or written the words "Against Bonds"; and if at any such election a majority of the qualified registered voters of said town shall vote in favor of issuing bonds, then the town council shall have the right to issue coupon bonds in the name of and payable by said town of Morganton in the amount and manner specified in the ordinance under which such election has been held, subject only to the restrictions mentioned in section two, article one of this charter as to the time such bonds shall run, the interest they shall bear, and the terms upon which they may be sold; and upon the issuance of such bonds the town council shall provide for the levying of a tax annually, sufficient in amount to pay the interest on said bonds, and to create a sinking fund for their discharge at maturity. The town council, if it deem it proper so to do, may order a new registration of the voters of said town at any and all such elections.

Notice of election for bond issue.

Ballots.

Issuance of bonds if voted.

Special tax.

New registration.

Article IV.

The Mayor.

Power and duties of mayor.

Section 1. The power and duties of the mayor shall be such as are conferred upon him by this charter, together with such others as are conferred by the town council in pursuance of the provisions of this act, and no others.

To preside and vote at meetings of council. Official head of town.

Sec. 2. He shall preside at all meetings of the town council and shall have the right to vote upon all questions. He shall be recognized as the official head of the town by the courts for the purpose of serving civil processes, and by the public for all ceremonial purposes.

Functions of town manager.

Sec. 3. Such functions not enumerated in this charter as are conferred upon the mayor by the general laws of the State shall be exercised by the town manager, unless the town council designate some other person to exercise same.

Mayor pro tempore.

Sec. 4. During the disability of the mayor the functions of his office shall devolve upon some member of the town council designated by that body at its first meeting in May of each and every year.

Article V.

The town manager.

Town manager.

Section 1. There shall be chosen by the town council an officer to be known as the town manager, who shall be the administrative head of the town government.

Administrative head.

To be sworn and give bond.

Sec. 2. Before entering upon the duties of his office, the town manager shall take and subscribe an oath that he will faithfully perform the duties of his office, and shall execute a bond, with an incorporated bonding company or companies as surety or sureties, in favor of the town for the faithful performance of his duties. The amount of the bond shall not be less than seven thousand five hundred dollars, and may be increased or a new bond required by the town council whenever it may deem it advisable.

Amount of bond.

Term and salary.

Sec. 3. The term of the town manager shall be at the pleasure of the town council, and said council shall determine and fix his compensation or salary.

Interest in contracts forbidden.

Sec. 4. The town manager shall not be personally interested in any contracts to which the town is a party, for the supplying the town materials of any kind.

To attend meetings.
Recommendations.
Information.

Sec. 5. It shall be his duty to attend all meetings of, and to recommend to, the town council, from time to time, such measures as he shall deem necessary or expedient for it to adopt, and to furnish it with any necessary information respecting any of the departments under his control. He shall accurately keep the minutes of the town council.

Minutes of council.

Notice to departments.

Sec. 6. He shall transmit to the heads of the several departments written notice of all acts of the town council relating to the duties of their departments, and he shall make designation of officers to perform duties ordered to be performed by the town council.

Details of officers.

Contracts, licenses, and documents.

Sec. 7. He shall sign all contracts, licenses, and other public documents on behalf of the town, as the town council may authorize and require.

Access to books and papers.

Sec. 8. He shall have access at all times to the books, vouchers, and papers of any officer or employee of the town, excepting the town treasurer's books, and shall have power to examine, under oath, any person connected therewith.

Power to revoke licenses.

Sec. 9. He shall have power to revoke licenses, pending the action of the town council.

General enumeration of powers and duties.

Sec. 10. He shall have authority and charge over all public works, the erection of buildings for the town, the making and

construction of all improvements, paving, curbing, sidewalks, streets, bridges, viaducts, and the repair thereof; he shall approve all estimates of the cost of public works, and recommend to the town council the acceptance or rejection of the work done or improvements made; he shall have control of the location of street car tracks, telephone and telegraph poles and wires; he shall have charge of the watersheds from which the town takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the town; and shall secure all rights of way and easements connected with the waterworks or sewerage systems or the extension of the streets, or the widening or opening thereof. The town manager shall also have full management and control of the electric light plant belonging to the said town and now being operated by the board of public works of said town in furnishing light to the said town and its citizens; shall appoint all employees, fix their compensation, adopt uniform schedules of rates, and do and perform all and singular the acts and duties necessary and convenient to the maintenance, operation, and control of said electric light plant; he shall also have full management and control of the waterworks plant purchased of the Morganton Waterworks Company under the provisions of the judgment of the Superior Court of Burke County in those certain condemnation proceedings brought by the board of commissioners of Morganton against said waterworks company; said town manager shall appoint all employees for said plant, fix their compensation, adopt uniform schedule of rates, and do and perform all and singular the acts and duties necessary and convenient to the maintenance, operation, and control of said waterworks plant. All of the powers conferred on the said town manager as above enumerated, however, shall be exercised subject to the supervision and control of the town council: *Provided, however*, that upon a petition of twenty-five or more qualified electors in said town, it shall be the mandatory duty of the town council to submit to the qualified voters of said town the question of the sale, or lease for a term of years, of said waterworks or electric light plant, or both of said plants, to be held at a time, or times, not later than thirty days after the filing of said petition, and in the manner herein provided for the election of the mayor and aldermen of said town; and those favoring a sale of either of said plants shall vote a ticket whereon is written or printed "For Sale of Electric Light Plant" or "For Sale of Waterworks Plant," as the case may be, and those opposed to a lease of either or both the said plants shall vote a ticket whereon is written or printed "Against Lease of Electric Light Plant" or "Against Lease of Waterworks Plant," as the case may be; and if at any such election a majority of the votes cast shall be in favor of a sale or lease for a term of years of either or both

Management and control of electric light plant.

Management and control of waterworks plant.

Supervision and control of council.

Proviso: election on sale of plants.

Tickets.

Sale or lease if voted for.

of said plants, the town council may, in its discretion, make sale of, or lease for a term of years, such plant or plants as to which such favorable vote was cast, upon such terms and with such franchise rights and restrictions as said town council may deem best for the interest of said town and the citizens thereof.

Power of town manager as to officers and employees. Appeal to town council.

Sec. 11. The town manager shall have power to suspend, fine, and dismiss any member of the police, fire, waterworks, and sewerage and street departments, in the interest of discipline. But any officer, appointed or elected by the town council to a position in said departments, who has been suspended for a longer term than three days, fined or dismissed, may appeal to the town council at any of its regular meetings, and it shall review his case, affirm or modify or reverse the order of the manager, and make any restitution within the law which it may deem advisable. The town manager shall promptly report all suspensions, fines, and dismissals as hereinafter provided in the article in reference to the police powers of the town of Morganton.

Town manager to report.

Article VI.

Streets and Street Department.

Street department.

Section 1. The street department of the town of Morganton shall be composed of the town manager and such other employees as the town council may deem necessary to execute the duties of the department. The town manager shall be the executive officer of the department, and shall have the direction of the other officers and employees in the department, subject to the rules and regulations prescribed by the town council.

Executive officer.

Street and sidewalk improvements.

Sec. 2. The town manager shall have full power and authority under ordinances of the town council, to grade, pave, macadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, avenue, and public alley of the town; to put down curbing, cross drains, and crossings on the same; to lay out and open new avenues, streets, and public alleys, or widen those already open, and make such improvements thereon as the public convenience may require.

Subdivision of property.

Sec. 3. No property lying within the town limits shall hereafter be platted or laid off into avenues, streets, alleys, blocks and lots, or into any of them, unless the same is done in compliance with the provisions hereinafter in this section mentioned, or unless otherwise hereinbefore provided. The owner or owners of any property lying within the town limits shall present to the town manager for filing a blue-print of the proposed avenues, streets, alleys, blocks, and lots. Whereupon, within five days after the blue-print is presented, the town manager shall determine whether the proposed avenues, streets, alleys, blocks, and lots conform to the avenues, streets, alleys, blocks and lots abutting thereon,

Plans presented.

Decision of town manager.

If found to so conform, he shall forthwith file the blue-print in his office, and the owner or owners of said property may after the filing the aforesaid plat lay off said property in accordance with the blue-print so filed.

Improvement districts.

Sec. 4. That the town council shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets and sidewalks for permanent improvement, and of equalizing the assessment on real estate to pay the cost of such improvement as may be proper; and in order to more fully carry out the duties imposed by this charter for street improvement, the town council shall have power and authority to determine the kind of such improvements and the amount to be expended therefor, and to pass ordinances assessing not exceeding one-half, that is to say, one-fourth on either side, of the entire cost of paving, macadamizing, or otherwise permanently improving all such streets and sidewalks within any such district or section laid out for improvement on the real estate abutting on the streets or sidewalk or portion thereof so paved, macadamized, or otherwise permanently improved; and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk so improved to pay the amount so assessed for such improvement, and such costs and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this charter: *Provided*, that the town council shall not order such improvement district or section to be laid out until and unless two-thirds of the persons owning the land abutting on such street or sidewalk or public alley, or the portion thereof proposed to be improved, shall request the town council to order such improvement district or section to be laid out: *Provided further*, that the town, out of its general fund, shall pay the cost of grading, curbing, and paving and permanently improving the street intersections except that part of intersections required to be paid for by such street railways as in this charter elsewhere provided: and *Provided further*, that the cost of such improvement may be financed by the issue of bonds as hereinafter provided.

Assessment on abutting property.

Assessment a lien on property.

Proviso: request for improvement.

Proviso: costs paid by town.

Proviso: bond issue.

Equalization of assessments.

Sec. 5. That in order to equalize the assessments on real estate for the purpose described, as elsewhere provided in this charter, the town council shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement, and then shall prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and may charge to and assess upon each side of the street upon which said work is done its pro rata share, not exceeding one-fourth to the side, of the entire cost of all such improvements as may be made under the provisions of this charter: *Provided, however*, in order to avoid obstructing lot owners in subdividing and selling their property

Proviso: assessment on front lots only.

by reason of the lien hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit, subject to the provisions of section three of this article, and shall file in the office of the town manager a plat of the subdivision, making the lots fronting on the street so paved or improved of any desired frontage, but not less than one hundred feet in depth, and the assessment made and the liens created by virtue of this act for street improvements shall thereafter affect and attach to said front lots only, not less than one hundred feet depth, and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable proportion of said assessment and liens according to its frontage; that the town council shall cause to be established a permanent grade on any such street, sidewalk, or public alley so improved, and shall cause any such street, sidewalk, or public alley to be accurately surveyed, and a list to be made of the various lots and properties abutting on such street, sidewalk, or alley, or portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivisions, if any, the owners of such lots or subdivisions, and the said list shall be filed with the town manager and be subject to public inspection; and when the assessments and liens, as provided for in this charter, shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the town manager shall write upon said list the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens and the date and amount of all payments made on any of the said assessments and liens; and after the said list shall have been duly certified by said town manager and probated and recorded in the register's office of Burke County and properly indexed in the manner prescribed by law for the registration and indexing of deeds or other instruments allowed to be registered, the town council shall indorse thereon an order in the following or similar form:

Lots charged severally.

Grade and surveys.

Lists filed with manager.

Assessment noted on list.

Record of assessments and liens.

Office of Town Council of the Town of Morganton, State of North Carolina.

Order for collection.

To the Town Manager of the Town of Morganton—Greetings:

By order of the town council, you are hereby commanded to collect the assessments herein mentioned according to the provisions and requirements of the provisions prescribed by this charter for the collection of taxes due said town, except that it shall not be necessary to exhaust or levy upon the personal property of the owner before subjecting such lots or subdivisions to sale for the payment of the assessment so fixed and charged thereon.

Force and effect of judgment.

Execution.

Probate of assessments.

Notice of lien.

Proviso: limitation on assessments.

Proviso: subdivision of improvement districts.

Improvements financed by bond issues.

The said list shall be signed and dated by the council or by the mayor in its behalf, and the said list when thus recorded and indorsed shall have the force and effect of a duly docketed judgment against the lot or subdivision so charged with an assessment, and shall constitute and be an execution in the hands of the town manager, to be executed by him by a sale of such lot or subdivision in the manner prescribed by law for a sale of land by sheriff under execution. The Clerk of the Superior Court of Burke County shall have power and authority to probate and order registered any and all lists of assessment certified by said town manager, as aforesaid, and when recorded and cross-indexed as hereinbefore provided, such list shall be and constitute full, legal notice of the lien and incumbrance on the lots and subdivisions therein mentioned to the extent of the assessment charged thereon: *Provided further*, where permanent street improvements shall be made, the property bearing such assessments shall not be assessed again until after the expiration of ten years from the date of the last preceding assessment: *Provided further*, that in case any street or part of street laid out as a district for permanent improvement is of such unequal width or cost of material as to render the plan of equalization of assessment as above set out unjust to any abutting property, then in that case the town council is authorized to divide such district into subdivisions and to apply the rule of equalization of assessments prescribed herein to such subsections, instead of to the entire district or section; and the town council may make as many subsections as may be necessary to make a just distribution of the cost of permanent improvement made or to be made in such district. The cost of all such improvements shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon, as herein provided.

Notice of assessment.

Right of appeal.

Sec. 6. That the notice of the assessment by the town council, as herein elsewhere provided in this charter, against abutting property on any street, sidewalk, or public alley in any such improvement district or section shall be given at least once a week for two weeks in some newspaper published in the town of Morganton, which notice shall state the time and place that such assessments are to be made and determined, and shall notify all persons to be affected by such assessment to appear before the council and show cause, if any, why such assessments shall not be made; and in the event the owner of such lot or lots is an infant, idiot, lunatic, or incompetent, then his general guardian, if he has such, shall act for him; if he has none, it shall be the duty of the clerk of the Superior Court of Burke County to appoint a guardian *ad litem* to act for him. That any person who shall feel aggrieved by the findings of said council with reference to said assessments for such permanent improvements shall have the right within ten days

after such findings of said council, and not after that time, to file his objections to such findings, and to appeal from the decision of said council to the next term of the Superior Court of Burke County, by serving upon said town notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings, and by filing, within the time prescribed for taking appeals, in the office of the Clerk of the Superior Court of Burke County a written undertaking in at least the sum of two hundred dollars, with sufficient surety to be justified before and approved by said clerk, to the effect that said appellant will pay to said town all such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the town council, the ordinance laying out the improved district, the action of the said council in determining the assessment, the objections of the property-owner filed thereto, and all other papers material to the matter shall constitute the case on appeal and be certified by the town manager to the Superior Court, and shall be docketed on the civil docket and stand at issue as other civil cases regularly brought in such court, with leave to either party to file such pleadings and papers as he may deem necessary; the trial of the issues involved in such appeal shall have priority over all civil actions pending in the Superior Court of Burke County, and the cause shall be advanced and shall be the first civil action tried at the term to which it is returned, and if all the issues be found in favor of the appellant on such appeal, as above provided for, the lien for said assessments shall be discharged; if, however, the issues, or any of them, be found in favor of the town of Morganton, to any amount, then judgment shall be rendered in favor of said town for such amount, to the end that no merely technical objections shall defeat the rights of the town; and the amounts so found, together with the cost of such appeal, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed, from the date of the finding of said town council, and shall be collected by the town manager of the town of Morganton as elsewhere in this charter provided, that is to say, as if no appeal had been taken.

Notice of appeal.

Bond on appeal.

Case on appeal.

Priority of trial.

Judgment on appeal.

Sec. 7. That in lieu of notice of publication to property-owners affected by improvements to abutting real property as elsewhere provided in this charter, the town council, if it so determine, may give ten days personal notice to all persons affected by any permanent improvements for which a charge is to be made on real estate, to appear before said town council at a certain time and place to show cause, if any, why such assessment should not be made, which notice may be served by any policeman of the town of Morganton or any other proper officer.

Personal notice to landowners.

Service of notice.

Sec. 8. That all funds derived from assessments hereinafter levied by the town council of the town of Morganton upon private

Street improvement fund.

property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the town of Morganton, constitute a special fund, to be designated as "Street Improvement Fund," and the same shall be kept separate from all other funds of the town, and a separate record thereof shall be kept by the town manager, and said funds and every part thereof shall be applied by the town council exclusively to payment of the said bonds and interest on same or payment for said work.

Funds and records kept separate.

Exclusive application.

Maintenance of streets.

Sec. 9. The town council shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of the town and make such improvements thereon as it may deem best for the public good, and may provide for and regulate lighting of the public parks and streets, and regulate, control, license, prohibit, and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, and the removal thereof, whether on, above, or below the surface thereof, and regulate and control the use thereof, remove obstructions, encroachments, pollution, or litter therein, and shall have under their government, management, and control all parks and squares within or without the town limits established now or hereafter to be established by the town council for the use of the town.

Lighting.

Obstructions in streets.

Cellars under sidewalks.

Sec. 10. The town council shall have power to prohibit cellars under the sidewalks of the town, or any obstruction upon the streets or sidewalks thereof.

Power to condemn land.

Sec. 11. When any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already opened, or other subjects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the town council, the same may be condemned and taken by the town council at a valuation to be made by three disinterested freeholders of the town, one of whom shall be chosen by the town council and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified so to do, then it shall be the duty of the town council to appoint a disinterested freeholder to act on the part of said owner or owners. In making the valuation, said freeholders, after giving the owner or owners or their agent notice, or giving a notice by publication in two issues of a weekly newspaper published in the town of Morganton in case the owner cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also such benefit or advantage such owner or owners may receive

Arbitration for assessment.

from the opening, widening, or changing of such streets or other public improvements, and ascertain the sum, if any, which shall be paid to the owner or owners of said property, and report the same in writing, over the signature of any two of them, to the town council, which report on being confirmed by the council and spread upon its minutes, shall have the effect of a judgment against the town of Morganton and shall pass the title of the land so taken to the town of Morganton, and the land so taken may at once be used by the town for the purposes intended: *Provided*, that either party may appeal to the next term of the Superior Court of Burke County: *Provided, however*, that such appeal shall not hinder or delay the town council in opening or changing such street or making such improvement.

Report to have effect of judgment.

Proviso: right of appeal.

Proviso: appeal not to delay work.

Sec. 12. Every male resident in said town between the ages of eighteen and forty-five shall be liable to work the streets and public places of the town under the direction of the town manager not more than four days each year, unless he shall obtain from the town manager a certificate of exemption therefrom, for which he shall pay such sum as may be annually fixed by the town council, not exceeding two dollars.

Road duty.

Commutation.

Article VII.

Police powers and police department.

Section 1. The town of Morganton shall have power by ordinance duly passed to establish and maintain the town police department, prescribe the duties of policemen and regulate their conduct, and

Establishment, maintenance, and regulation.

(*a*) To permit, forbid, or regulate theaters, halls, dance houses, moving-picture shows, circuses and other public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety, or good morals may demand.

License, regulation, or suppression of amusements.

(*b*) To suppress gambling houses and to punish keepers and patrons thereof, to punish all persons who play cards or games of chance of any kind for gain, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings of lottery.

Gambling houses and gambling.

(*c*) To regulate, control, and prohibit the keeping and management of houses or any building used for the storage of gunpowder and other combustible, explosive, or dangerous materials within the town, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas.

Storage of dangerous materials.

Oil and gas.

(*d*) To define nuisances and prevent and abate the same, whether on public or private property, and to abate such nuisances by summary proceedings, and to punish the authors or keepers thereof by penalties, fine, or imprisonment.

Power to define and abate nuisances.

Animals going at large.

(e) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowl of whatever description, and to authorize the distraining and impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said town council; and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the town.

Traffic regulations.

Enumeration of police powers.

(f) To establish maximum rates for all kinds of transportation within the town limits and to prevent extortion; to regulate and to prohibit the blowing of whistles of railroad engines or locomotives within the city limits and to regulate the speed of railroad engines and locomotives within said limits; to preserve order and prevent noise and confusion in or about the depot on arrival and departure of trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets adjacent or near to said depot; and to provide and fix by ordinance public stands where hacks and drays, baggage wagons, or other public carriers shall stand on the streets for the purpose of soliciting business, and to prescribe that they shall not stand, excepting when discharging or receiving passengers or freight, at any points other than those designated in the ordinance as public stands.

Further general enumerations.

(g) To restrain and prohibit the ringing of bells or blowing of horns, bugles, and whistles, crying of goods or other noises, practices, or performances tending to the collection of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise, except judicial sales, sales for taxes, and the like; to prohibit beggars, mendicants, or other persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of the town, and to prescribe penalty by fine for nonobservance thereof; to regulate the use of automobiles, motor cars, motorcycles, or any other vehicles, and the speed thereof; to prescribe the proper lighting of same, when used at night, and to prescribe the qualifications required of those using same upon the streets of the town, and to issue permits for the use of such vehicles.

Prize, cock, and dog fights.

(h) To prevent all boxes matches, sparring exhibitions, and punish all persons engaged therein; to prevent cock fighting and dog fighting, and to punish all persons instigating or encouraging same.

Abuse of animals.

(i) To prohibit and punish the abuse of animals.

License taxes.

(j) To license, tax, and regulate trades, occupations, and professions.

Disorderly houses.

(k) To prohibit bawdy-houses and punish keepers, inmates, and patrons thereof, and owners of buildings used for immoral pur-

poses; to prohibit variety shows and to punish participation therein; to prohibit, prevent, and suppress assignation houses and houses of ill-fame, to determine and to declare by ordinance such inmates and keepers to be vagrants, and to provide for the punishment of such persons. Vagrants.

(*l*) To control and regulate the location and use of all kinds of steam engines and steam boilers in the town, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort. Steam engines and boilers.

(*m*) To direct, control, and prohibit the laying of railroad tracks, turnouts, and switches in the streets, avenues, and alleys of the town, unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts, and switches shall be so constructed as not to interfere with the drainage of the town and with the ordinary travel and use of the streets, avenues, and alleys in said town, and to construct and keep in repair suitable crossings and gates at the intersection of streets, avenues, and alleys, and suitable ditches, sewers and culverts where the town council shall deem it necessary. Use of streets by railroads.

(*n*) To make such rules and regulations in relation to butchers, bakers, and dairymen as they may deem necessary and proper; to establish and erect markets and market houses, and designate, control, and regulate market places and houses, dairies, and bakeries, whether kept within or without the town limits, from which meat, bread, or milk is offered for sale within the town limits, and to punish the owners or keepers thereof for the violation of any ordinance or regulation of the town council, by penalties, fines, and imprisonment. Market and dairy regulations.

(*o*) To prohibit and punish by fine the willful introduction into the town, by railroads or other carriers, of paupers or persons afflicted with contagious diseases. Introduction of paupers and infected persons.

(*p*) To license, tax, regulate, control, restrict, and prohibit the use of and explosion of dynamite, firecrackers, or other explosives or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the town, whether for purposes of amusement, business, curiosity, or otherwise. Fireworks and explosives. Loitering on streets.

(*q*) To inspect the construction of all buildings in the town, and prescribe and enforce proper regulations in regard thereto, and regulate and locate or prohibit the erection of all poles in the town, and cause the same to be changed. Building regulations.

Sec. 2. The police force of the town shall be composed of the chief of police and as many officers and patrolmen as shall be from time to time provided by ordinance of the town council. Police force.

Chief responsible for efficiency and discipline.

Sec. 3. The chief of police, acting under the town manager, shall be responsible for the discipline and efficiency of the police force.

Orders.

All orders shall pass through him, except so far as the rules, regulations, and orders of the town council authorize orders to

Punishments.

be given direct to any subordinate on the police force. In addition to the power of dismissal vested in the chief, any member of the force, including the chief, may be removed, suspended, or fined by the town manager upon proper cause shown, and in cases where a fine is imposed, it may in the discretion of the town manager be deducted from the officer's pay, and a person may be appointed by the town manager to discharge the duties of such suspended officer or member until the ground of such suspension can be inquired

Reports of punishments.

into by the town council; and it shall be the duty of the town manager to report in writing the dismissal, suspension, or fine within three days, with the reasons therefor, to the town council, and also furnish such dismissed, suspended, or fined officer or member with a copy thereof within like time. Whereupon the town council shall hear and determine any and all charges against the officer or member of the police force.

Emergency appointments.

Sec. 4. In case of any emergency, the town manager shall have power to appoint additional officers and patrolmen for temporary service, but the length of time for which such additional officers or patrolmen shall be employed shall be limited to the time during which such emergency may exist.

Duties of police.

Sec. 5. The police force shall preserve the peace, protect persons and property, obey and strive to enforce, so far as they have power, all the ordinances of the town and all criminal laws of the State

Badge and uniform.

and the United States; and each member thereof shall wear a badge and uniform while on duty, that the people may recognize

Proviso: special officers.

him as a peace officer: *Provided*, the town council may provide for special uniform officer or officers.

Authority to preserve peace.

Sec. 6. The chief of police and each member of the police force shall have power and authority to preserve the peace within the

Execution of process.

town. They shall execute all process directed to them by the police court of Burke County and all civil and criminal process directed to them by justices of the peace or other lawful officer in said jurisdiction.

Chief to give bond.

Sec. 7. The chief of police shall give bond in such sum as the town council shall prescribe for the faithful discharge of the duties of his office and for a faithful accounting of all moneys

Duties of chief.

that may come into his hands by virtue of his office. It shall be his duty to attend the said police court each day and report any violation of law or ordinance of the town; to collect all fines and penalties imposed and pay the same to the clerk of the said police court; to execute the process and judgments of said court, and to perform such other duties as may be required of him by law and by the rules and regulations of the town council or town manager.

Sec. 8. The salary of the chief of police and the compensation of the other officers and patrolmen of the police department shall be fixed by the town council, and they shall receive no other compensation for their services. All fees now and heretofore prescribed to be taxed as their cost shall be paid into the said police court. Salaries. Fees to police court.

Article VIII.

HEALTH AND HEALTH DEPARTMENT.

Section 1. The town of Morganton shall have power, by ordinance duly passed, to regulate burial grounds, crematories, and cemeteries, and to prevent burial within the town limits, if deemed advisable or if found necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the town, and, when demanded by the public interest or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be reinterred in the cemeteries now owned by the town or other suitable place to be provided by the town at its expense; and whenever advisable the town may condemn the land proposed to be used for the reinterring of the bodies, and use such condemned ground, formerly used for cemeteries, for such other purposes as may best subserve the interest of the town: *Provided*, the town has a valid title for the ground formerly used for cemeteries. The town of Morganton shall have power to acquire land and grounds inside or outside of the town limits, by purchase, gift, or otherwise, to be devoted and used for the purpose of a public and private cemetery, and to pass such suitable regulations concerning the burial of the dead in such cemetery or in the cemeteries now owned by the town, and make such charges for the burial of the dead therein as may be deemed proper by the town council; and the said town shall have power to appropriate private property lying within or without the town limits to be used and devoted for cemetery purposes, as herein stated, by condemnation proceedings brought for such purpose, and in all such cases the proceedings had to condemn shall conform to provisions hereinbefore contained for condemnation of land for streets in article six hereof. Burial grounds, crematories, and cemeteries. Proviso: title to ground. Acquirement of land. Burial regulations and charges. Power to condemn land. Proceedings for condemnation.

Sec. 2. The said town shall also have power, by ordinance duly passed, to condemn as nuisances all buildings, cisterns, wells, privies, and other erections in the town which on inspection shall be found to be unhealthy, unsanitary, or dangerous to personal property, and cause the same to be abated or removed, at the expense of the owner, unless the owner thereof at his or her own expense, upon notice and with the sanction and authority of the town council, shall reconstruct the same in such a manner as shall be prescribed by ordinance of the town; and as to all buildings, Powers as to nuisances.

cisterns, wells, privies, and all other private improvements to be constructed in future, they shall have the power and it shall be their duty to have the same so constructed as not to interfere with the health of persons or the safety of persons or property within the town.

Scavenger regulations and charges.

Sec. 3. The town council shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the town reasonable charges for the removal of night-soil or other refuse matter from the closets or the premises thereof, and to prohibit any one, except some one in the employ of the town or by the town authorized to do so, from removing or carrying away the contents of any privy, vault, or water-closet or any receptacle of human excrement; and the town shall have the right to have inspected the premises of all persons, at any hour during the daytime, in the interest of public health; and for the purpose of making such inspection the officers or agents of the town duly authorized to do so shall have the right to enter upon the premises of any person at any hour during the daytime to make said inspection. Whenever notice is given by any officer or employee of the town inspecting any premises that said premises need cleaning, the said night-soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay to the town the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the police court, in any sum not less than one dollar nor more than two hundred dollars.

Inspection of premises.

Charge for cleaning premises.

Punishment for nonpayment.

Enforcement of sewerage connection.

Sec. 4. The town council may require all owners, tenants, and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the town may own, construct, or control or that it may acquire by purchase or otherwise, to connect with such sewer or system of sewerage all water-closets, sinks, or drains located upon their respective property or premises, so that their contents may be made to empty into such sewer or system of sewerage: *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the town to make sewer connections or do any other thing the performance of which the town council has the power to compel, such tenant or occupant shall have a lien upon the property for reimbursement, if the primary obligation to do the same was on the landlord, said lien to be enforced by competent proceedings in any court of competent jurisdiction; and the tenant or occupant may, when so entitled, under the general principles of set-off, use such claim against his liability for rent.

Proviso: tenants to have lien for advancements.

Markets and abattoirs.

Sec. 5. The town council shall have power to establish, lease, buy, erect, maintain, own, and regulate and operate markets and market places, abattoirs, and to build, own, and maintain buildings therefor, and to rent and lease the same.

Regulation of butchers and hucksters.

Sec. 6. (*a*) The town council shall have power to regulate, license, or prohibit butchers and to prevent their slaughtering animals within the town limits, and to revoke their license for malconduct in trade, and to regulate and license the sale of fresh meats, fruits, and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughter-houses or the slaughter of animals within the town limits.

Inspection, license, and regulation of dairies.

(*b*) To provide for the inspection of dairies, inside and outside of the town limits and doing business within the town, and to charge and provide license fees for said inspection; to establish and maintain a standard of sanitary conditions governing dairies, inside and outside of the town, doing business within the town; to establish and maintain a standard of quality of all dairy products sold in the town, and to provide for penalties for the violation thereof.

Enforcement of sanitary regulations in unwholesome places and occupations.

(*c*) To compel the owner or occupant of any grocery, soap, tallow or candle establishment, or blacksmith shop, tannery, stable, slaughter-house, or other building, or sewer, privy, hide-house, or other unwholesome or nauseous place or house, to cleanse, remove, fill up, repair, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

Quarantine regulations.

(*d*) To make regulations to prevent the introduction into or spread of contagious diseases in the town, to make quarantine laws for that purpose, and to enforce them within the town and within one mile thereof.

Destruction of infected property.

(*e*) To authorize the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious and dangerous disease, when the public health requires the destruction of the same, and may also, by ordinance duly passed, authorize the destruction or removal of buildings or other objects, after the same shall have been declared, by the town council, a nuisance and to be dangerous to the health or lives of the citizens of the town.

To prevent introduction and enforce removal of unwholesome matters.

(*f*) To prevent any person from bringing, depositing, or having within the town limits the carcasses of any dead animals or other unwholesome substance or matter of filth of any kind, and to require prompt removal of the same and impose all necessary penalties for the enforcement of such powers.

Vital statistics.

(*g*) To regulate the burial of the dead, the registration of births, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons, and others for any default in the premises.

Health department.

Sec. 7. The town council shall have power, by ordinance duly passed, and it shall be its duty, to establish and maintain the town health department, to be composed of the town physician, to be appointed by the town council for a term of two years; a sanitary officer, who may also be a police officer, and such other em-

Selection of subordinates.

ployees as the town council may deem necessary. The town physician shall present a list of names for the subordinate positions in the health department, and the town council shall select the aforementioned subordinate officers from this list.

Chief health officer.

Sec. 8. The town physician shall be the chief health officer of the town, and the sanitary officer and other employees, if any, of

Health ordinances.

the department shall obey his orders and instructions. It shall be his duty from time to time to present in writing to town council proposed health ordinances, which the town council may adopt or reject or amend.

Powers of abatement.

Sec. 9. The town physician, the sanitary officer, or other officer designated by the town council for this purpose, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything within the town limits or within a mile of said limits, which is dangerous or prejudicial to the pub-

Expense a lien on land.

lic health; and the expense of such action shall be paid by the person in default, and if not paid, shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Sale or offer of unsound food a misdemeanor.

Sec. 10. It is hereby declared a misdemeanor for any person to sell or offer for sale in the town any unsound articles for food,

Punishment.

and any person convicted of any violation of this section shall be fined or imprisoned in the discretion of the police court of Burke County.

Article IX.

Fire and Fire Department.

Fire companies and fire department.

Section 1. The town council shall have power to provide for the organization, equipment, maintenance, and government of fire companies and the fire department, and to this end may hold and use the fire equipment or other apparatus and property now owned

Paid fire department.

by the town and used in the extinguishment of fires; and in its discretion may provide for a paid fire department, and for this purpose may create such office and employees with such compen-

Proviso: government to be consistent with act.

sation as to the council may seem right and proper: *Provided*, the organization and government of fire companies or fire department shall not be inconsistent with the provisions of this article.

Executive officer.

Sec. 2. The chief of the fire department shall be the executive officer of the department or companies, under the direction of the town manager, and shall have direct control of the other officers, firemen, and employees in the department or companies, under such rules as may be adopted by the town council.

Police powers at fires.

Sec. 3. The chief of the fire department and his assistants shall have full police powers while on duty during fires, and are authorized to make arrests without warrants for interference with or obstruction to their operation.

Fire department to have right of way.

Sec. 4. In the event of an alarm of fire, the apparatus of the fire department or companies shall have the exclusive right of way in and upon streets, alleys, squares, and railroad crossings in going to any fires; and while going to a fire, as well as at a fire, it shall be unlawful for any person whatsoever to interfere with the firemen or their apparatus or appliances in any way, and the town council shall by proper ordinances provide for the punishment of any person so interfering.

Interference with firemen or apparatus forbidden.

Punishment of firemen.

Sec. 5. The town manager and chief of the fire department shall have the same power and authority in reference to the dismissal, suspension, or fining of any officer or member of the fire department or companies as that provided to be exercised by the town manager and chief of police in reference to the officers or members of the police department.

Fire limits.

Sec. 6. The town council may establish and maintain fire limits in the town in which it shall be unlawful to erect, alter, and repair wooden buildings or structures or additions thereto; it may also prohibit the removing of buildings or additions or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Building regulations.

Sec. 7. The town council may make rules and regulations governing the erection and construction of buildings in the town or the removal of buildings already built so as to make them or adjoining buildings as safe as possible from fire; and in case of fire the mayor or a member of the town council, the town manager, and the acting chief of the fire department, or the acting chief of the fire department and any two of the other officers named, may order the blowing up, tearing down, or destruction in any other way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no individual shall be held liable civilly or criminally for acting in obedience to the orders thus given.

Destruction of buildings for arrest of fire.

Article X.

Waterworks and Sewerage Department.

Waterworks and sewerage department consolidated.

Section 1. The waterworks and sewerage department shall embrace all property, rights, and obligations of the town of Morganton in respect to waterworks and sewerage, and shall, in so far as practicable, be administered as an entity. To that end, all contracts, records, and muniments of title pertaining thereto shall be assembled and carefully preserved, and account shall be kept of its assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department or branch of the town government.

Constitution of department.

Sec. 2. The waterworks and sewerage department of the town of Morganton shall be composed of the town manager and such other officers and employees as the town council may deem necessary to execute the duties of the department. The town manager shall be the executive officer of the department, and shall have the direction of other officers and employees, subject to the rules and regulations prescribed by the town council.

Executive officer.

Water rights, rights of way, and sewerage outlets.

Sec. 3. The town council shall have the power to acquire and hold, in the name of the town, rights of way, water rights, sewerage outlets, and other property within and without the town limits, and the town council shall have power to condemn and take rights of way, easements, water rights, sewerage outlets, and other property within and without the corporate limits of the town for the purpose of extending, getting, storing, maintaining, and furnishing a pure and adequate water supply, and of extending, maintaining, and furnishing an adequate system of sewerage and of securing proper and adequate outlet or outlets therefor. The proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Condemnation.

Proceedings in condemnation.

Supervision and control of system.

Sec. 4. The town manager shall have, under ordinance of the town council, entire supervision and control of the maintenance, improvement, and management of the said system, and shall fix such uniform rates for water and sewerage as he may deem advisable and just, and shall fix the time or times when said water and sewerage rates shall become due and payable.

Rates and time of payment.

Connection without permission forbidden.

Sec. 5. When any water or sewerage connections are discontinued by any officer or agent of the town in accordance with the provisions of an ordinance, it shall be unlawful for any person, firm, or corporation, other than the town council or its agents or employees, to make said connections or to use the same, without having first obtained permission from the town manager or some officer of this department.

Appropriation of receipts.

Sec. 6. The town council shall, out of any money received by it from the operation of the waterworks and sewerage system, pay, first, the operating expenses of said system; second, the interest upon such of the bonds of the town of Morganton as were sold for the purpose of raising money to erect, construct, and enlarge said system, and the balance remaining shall be invested by the town council, and shall remain and be known as a sinking fund to meet the payment of said bonds at their maturity.

Inspection of watershed and examination of water supply.

Sec. 7. That the town physician shall devote such time as may be necessary to the inspection of the public watershed and examinations of the public water supply, and make his report of the same to the town council.

Interference with system misdemeanor.

Sec. 8. If any person or persons shall maliciously or willfully divert the water or any portion thereof from the said waterworks, or shall corrupt or render the same impure, or shall injure or destroy or obstruct any canal, aqueduct, pipe, or other property

used or acquired for the proper operation of said systems, or either of them, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court. The town council shall have full power and authority to apply by ordinance the provisions of this charter as to the condemnation of lands for streets to the purposes of the sections of this article so far as may be necessary in the extension of the waterworks and sewerage system of the town of Morganton; and ordinances applying said provisions to said systems shall, for any and all intents and purposes, have the same effect as if said provisions were herein set forth.

Punishment.

Application of ordinances.

Effect of ordinances.

Article XI.

finance and taxation.

Section 1. No contract shall ever be made which binds the town to pay for personal service to be rendered for any stated period of time, but all contracts involving personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the town, nor shall the town of Morganton, or any one acting for it, make any contract for supplies for current use for any department of the town for a longer period of time than twelve months, and so far as practicable all supplies purchased for the use of any or all the departments of said town shall be made or let upon competing prices therefor.

Contracts for personal service.

Contracts for supplies.

Competing prices.

Sec. 2. No contract shall be given until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts whenever practicable shall be upon specification, and no contract shall be binding upon the town unless it has been signed by the town manager and a member of the town council, who shall have been duly authorized to sign the said contract by an ordinance adopted at a regular meeting of the town council, and the expense thereof charged to the proper appropriation. Whenever the contracts charged against any appropriation equals the amount of said appropriation, no further contract shall be signed.

Appropriations precedent to contract.

Authentication of contracts.

Exhaustion of appropriation.

Sec. 3. All tentative or proposed contracts, of whatever character, pertaining to public improvements or the maintenance of public property of said town, involving an outlay of as much as two hundred dollars, shall be submitted upon specifications to be prepared and submitted to and approved by the town council; and after such approval, advertisement for the proposed work or matters embraced in said proposed contract shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall appear at least twice in some weekly news-

Specification and approval of contracts.

Advertisement for bids.

Bids open for inspection.

paper or at least five times in a daily newspaper published in the town of Morganton. All bids submitted shall be sealed, shall be opened by the mayor in the presence of the town council in a meeting assembled, and shall remain on file in the town manager's office and be open for public inspection for at least forty-eight hours before any award of work is made to any competitive bidder.

Award of contract.

The town council shall determine the most advantageous bid for the town, and shall enter into a contract with the parties submitting the same.

Right to reject bids.

However, the town council shall always, in every advertisement of public work or contract involving as much as two hundred dollars, reserve the right to reject any and all bids.

Specifications subject to inspection.

Pending the advertisement of work or contract proposed, specifications therefor shall be on file in the office of the town manager subject to the inspection of all parties desiring to bid:

Proviso: exceptions.

Provided, this section shall not be construed to prohibit the town council from having work done by day labor, from purchasing materials in accordance with the other provisions of this act and under such rules and regulations as said council may by ordinance prescribe: *Provided further*, this section shall not be construed to apply to contracts for lighting the streets and public buildings of the town.

Proviso: lighting streets.

Purchasing agent.

Sec. 4. The town manager shall be the purchasing agent of the town council; all supplies shall be purchased by him, and when so purchased, the bills therefor shall be submitted to and approved by the town council before the same are paid.

Approval of bills.

Estimate and apportionment of revenue.

Sec. 5. The town council shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenue of the town for the next fiscal year, and apportion the same, together with any surplus left over to the general fund from the preceding year, as herein provided, to the several departments of the town government, reserving from said estimate not more than ten per cent and not less than seven per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpired portion of said reserved fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the said council shall deem advisable, and in order to enable the said council to properly make the apportionment hereinbefore required, the town manager and the head of each department of the town shall, at least ten days before said apportionment is made, furnish in writing to said council estimates in detail of the amounts needed. The estimates in detail furnished by the town manager shall be of the amounts needed for the entire town government and those furnished by the heads of the departments of the amounts needed for their respective departments. All of which estimates shall be considered by the town council in determining the amount apportioned to each department of the town. Any

Reserve for emergencies.

Reserve fund.

Budget in detail.

Departments to submit estimates.

Alternation of apportionments.

apportionment made by the town council to any department of the town may at any time be increased or reduced, or may be diverted from one department to another, by a majority vote of the town council. If at the end of the fiscal year any surplus remains to any department of the town for which an apportionment was made, the same shall be credited to the general funds of the town, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each month during the fiscal year each of the heads of the various departments of the town shall file with the town manager an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid and for what and from whom received. The town manager, at the first of each month during the fiscal year, shall file with the town council an itemized report of all moneys received and disbursed by any and all officers of the town government during the preceding month, and showing from whom and for what such money was received, and to whom and for what paid. To the said report shall be attached the monthly reports of each of the heads of the various departments of the town. The town manager's report for the preceding month shall be published during the second week of each month in some newspaper published in the town of Morganton.

Surplus to general fund.

Itemized reports filed monthly.

Itemized reports from town manager.

Publication of manager's report.

Sec. 6. That at their first meeting in May of each and every year or as soon thereafter as is practicable, the town council shall, by ballot, elect a town treasurer, who must be a person other than the town manager and who shall receive a sum not exceeding one-third of one per cent of the amount of funds paid into his office.

Town treasurer.

Pay of treasurer.

Sec. 7. The town manager shall give bond in some bonding company in such sum and form and with such conditions as may be required by the town council; the amount of said bond shall not be less than seven thousand five hundred dollars, and the same to be approved by the town council, said bond to be paid for out of the regular expense funds of the town. It shall be his duty to call on all persons having in their hands any moneys or securities belonging to the town which ought to be paid and delivered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants signed by the town manager and countersigned by some other person to be designated by the town council. All moneys belonging to said town and received by any officer or agent thereof from any source whatsoever shall, unless otherwise herein directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep in books provided for that purpose full and correct account of all moneys received and disbursed by him, and shall render a statement of his receipts and disbursements to the town council at the first of each month and at such other

Treasurer to give bond.

Amount.

Duties of treasurer.

Warrants.

Moneys to be paid in to treasurer.

Treasurer to keep books.

Monthly statements.

Renewal of bond.

Depository banks.

Interest on deposits.

Proviso: rate of interest.

Bond from depositaries.

Interest to general fund.

Funds and accounts kept separate.

Other duties of treasurer.

Settlements with successor.

Powers of town manager as tax collector.

Fines and penalties.

Debits.

Report and record of settlement.

times as may be required of him by said council. The town council shall have the right to require a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall do no official act until said bond shall be given and approved in the manner aforesaid. The town council may, in their discretion, select one or more banks in the town as depository banks for the town of Morganton, and should such bank or banks be so selected as above provided, it shall then be the duty of said treasurer to make daily deposits of such sums and moneys as shall be received by him for all sources whatsoever to his credit as treasurer in one or more of said banks, and such depository bank or banks, before any such deposit is made therein, may be required to enter into an obligation with the said town council to pay into the treasury of said town interest at a rate to be fixed by said town council, not exceeding legal rate of interest in North Carolina, which shall be paid at the end of each month and shall be based on the daily average balances for the month: *Provided*, the rate of interest to be paid by said bank or banks may at any time be changed by the town council, but never to exceed the legal rate. The said bank or banks may, in the discretion of the town council, be required also to execute a good and sufficient bond with sureties to be approved by the town council, and conditioned that such bank or banks will safely keep and account and pay over said money on demand and as ordered by the town council. All interest paid by any such bank upon such balance shall be collected by the treasurer of the town, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general funds of said town, subject to its use for any legitimate charter or by the town council; said treasurer shall keep the funds and the accounts thereof of the different departments separate. Said treasurer shall do and perform such other acts as the town council may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his successor in office all the moneys, securities, and other properties which are or ought to be in his hands by virtue of his office.

Sec. 8. The town manager, in the collection of taxes, shall be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the town council, and he shall be charged with the sums appearing on the tax list as due for town taxes and taxes of personal property which the town council shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the council, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided. After the accounts of the town shall be reported to the town coun-

cil, and when approved by them the same shall be recorded in the minute-book of said council, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Taxing power.

Sec. 9. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the town, the town council shall have power, and they are hereby authorized to levy and collect, for general purposes, an annual *ad valorem* tax on all real and personal property within the corporate limits of said town, and on all personal property, including money on hand and solvent credits owned by residents of said town, and on all other property subject to an *ad valorem* tax under the laws of the State of North Carolina, not exempt from taxation by the Constitution and laws of the said State, of and at the rate of not exceeding ninety-five cents on the one hundred dollars valuation of said property and a tax not exceeding two dollars and eighty-five cents on each taxable poll; and for the purpose of paying interest on municipal bonds, the town council shall levy and collect an annual *ad valorem* tax on all property and polls subject to taxation as hereinbefore provided. The term "real property" as used in this act shall be construed to mean the same as defined in section two thousand eight hundred and fifty-seven of the Revisal of one thousand nine hundred and five, and the term "personal property" as used in this act shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September the first of each year, and a discount may be allowed by the town council for the payment of taxes as follows: For taxes paid during said month of September, two per centum; during the month of October, one per centum; during the month of November, one-half of one per centum; and for all taxes not paid prior to January first following, the town council shall charge the following penalties: For taxes paid during the said month of January, a penalty of one per cent; during the month of February, a penalty of two per cent; and for each additional month or a fraction thereof thereafter said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes.

Property tax.

Rate.

Poll tax.

Tax for interest on bonds.

Real property defined.

Personal property defined.

Taxes due.

Discount for early payment.

Penalties for non-payment.

Tax on dogs.

Sec. 10. The said town council may also levy and collect for general purposes a tax upon all dogs kept in the town, and which may be so kept on the first day of May of each year. The said tax shall not exceed five dollars, and any dogs so taxed shall be the subjects of larceny: *Provided*, that a discrimination within the limit above fixed may be made by the said council on the different species and sexes of dogs.

Amount.

Dogs subject of larceny.

Proviso: discrimination as to species and sex.

Assessment and collection of tax.

Sec. 11. The town council shall have power to provide all ordinances for the assessing and prompt collection of all taxes, and to regulate the manner, mode, and form of making out and swear-

Tax lists and inventories.

ing to tax lists or inventories and the appraising of property in said town, and to prescribe how and when property shall thus be rendered, and shall also prescribe the number and form of assessment rolls and fix and define the number, the duties and powers of list takers, appraisers, and all other officers or agents that may be necessary for collecting the taxes, and may adopt such measures and regulations, and prescribe and enforce such penalties as it may deem advisable to secure the due and proper assessment of all property within the limits of the town and the collection of the taxes thereupon. If all of such taxes are not paid on or before the first day of March next following the listing of said taxes, the town manager shall proceed to collect such taxes and penalties by distress and sale as provided by law.

Duties and powers of officers.

Enforcement of assessment and payment.

Collection by distress.

Delinquent lists.

Sec. 12. The town manager shall, after the most diligent inquiry, and by comparing his book with the county tax books, make out a list of all persons liable for poll tax, or for taxes on property, who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all property not listed, and shall enter such persons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double tax except on application to the town council and for cause shown.

Double tax.

Excuse from double tax.

Failure to list a misdemeanor.

Sec. 13. All persons who own property and who willfully fail to list it within the time allowed by law, and all persons who are liable for poll tax to the said town and who shall willfully fail to give themselves in, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the town manager to prosecute against this section.

Punishment.

Attachment of lien for taxes.

Sec. 14. The lien for taxes for any and all purposes in each year shall attach to all the real estate of the taxpayers within the town on the first day of June annually, and shall continue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien for taxes on the personal property of the taxpayer until there has been a levy thereon.

Lien on personal property.

License taxes.

Sec. 15. That in addition to the subjects listed for taxation, the town council, for the purpose of raising revenue, may levy an annual license tax on the following subjects, the amount of which taxes shall be collected by the town manager, and if not paid when due, the same may be recovered by suit brought in the name of the town, or the articles upon which the tax is imposed or any other property of the licensee may be forthwith distrained and sold to satisfy said tax, namely:

Recovery.

Peddlers.

(*a*) Upon all itinerant merchants or peddlers vending or offering to vend in the town, a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine,

by whomsoever manufactured; and not more than one person shall peddle under a single license.

Tables for games.

(*b*) Upon every billiard table, bowling table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand, or place for any other game or play, with or without a name, kept for hire, or in a house used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars.

Hotels. Boarding-houses. Restaurants.

(*c*) Upon every hotel, a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant, a license tax not exceeding fifty dollars.

Circus. Side-shows.

(*d*) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the town or in one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition; and upon every side-show connected therewith, a license tax not exceeding twenty dollars, the tax to be paid before exhibition, and, if not, to be doubled.

Stage or theatrical plays.

(*e*) Upon every person or company exhibiting in the town or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, high diving, wire dancing or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting, or the same shall be doubled.

Artificial curiosities.

(*f*) Upon every exhibition for reward of artificial curiosities, models of useful inventions excepted, in the town or within one mile thereof, a tax not exceeding twenty dollars, to be paid before exhibiting, or the same shall be doubled.

Shows and exhibitions. Strolling musicians. Proviso: shows in licensed halls.

(*g*) Upon each show or exhibition of any other kind, and on each concert for reward, unless for religious or charitable purposes or by pupils of schools or the town for school purposes, in the town or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting, or the same shall be doubled: *Provided, however*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed.

Auctioneers.

(*h*) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars.

Stock and bond brokers, sewing-machine agents. Agents for musical instruments. Sales and livery stables, and stock-yards.

(*i*) Upon every stock and bond broker, sewing-machine company or agent of such company, dealer in or manufacturer's agent of musical instruments, keeper of sales stables, livery stables, or stock-yards, doing business in the town, a license tax not exceeding twenty-five dollars a year.

Bill-posters.

(*j*) Upon every person engaged in the business of posting, distributing, or tacking up bills, posters, signs, or advertisements of any kind, a license tax not exceeding twenty-five dollars.

Shooting galleries, skating rinks, insurance agents, hucksters, photographers, brokers, ice, coal, and wood dealers.

(*k*) Upon every shooting gallery, and agency, skating rink, insurance agent or agency, street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal, or either, a license tax not exceeding twenty dollars a year.

Public-service companies.

(*l*) Upon every telephone or electric light company, power company, street railway company, waterworks company furnishing water to the citizens of Morganton, or gas company, a license tax not exceeding one hundred dollars per annum.

Marble yards, undertakers, plumbers, pipe fitters, and electricians.

(*m*) Upon each marble yard, undertaker, plumber, persons putting gas or water fixtures in houses or yards, and persons engaged in the electric wiring of buildings for light, power, or heat, a license tax not exceeding ten dollars.

Barber shops, rope walkers, dealers in lightning rods, stoves, and fertilizers, civil engineers, aurists, chiropodists, dealers in specifics, vehicle agents, architects, builders, cigar and tobacco factories, tobacco warehouses, dancing schools, machinery and engine agents, soda fountains, stallions, jacks, lecturers, dairy vehicles, land agents and brokers, butchers, gift enterprises, printing offices, and dealers in patent rights.

(*n*) Each barber shop, rope walker, itinerant dealer in lightning rods and stoves, every dealer in fertilizer, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, buggy or wagon agent, or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory, tobacco factory, tobacco warehouse, each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every stallion or jack standing in the town, every lecturer for reward except for religious or charitable purposes, each dairy wagon, dairy vehicle, land agent or land broker, each butcher, person selling jewelry or any other article having a prize given therewith, each printing office, each dealer in patent rights, a license not exceeding ten dollars.

Banks, junk shops, manufactories, machine shops, and foundries.

(*o*) Upon every bank or banker, each junk-shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, a license tax not exceeding fifty dollars a year.

Merchants, commission merchants, and brokers.

(*p*) Upon all merchants, commission merchants, and commercial brokers, a license tax not exceeding twenty dollars a year.

Vehicles used in transfer.

(*q*) Upon every omnibus, hack, cab, carriage, dray, baggage wagon, automobile used to transport persons, baggage, freight, or other articles, for hire, a license tax not exceeding twenty dollars.

Picture and vaudeville shows.

(*r*) On moving-picture shows in connection with vaudeville acts or on vaudeville shows alone, a license tax not exceeding one hundred dollars.

Subjects not enumerated.

(*u*) On any business, profession, trade, or avocation of any kind carried on in the town of Morganton, not hereinbefore enumerated, a license tax not exceeding five hundred dollars nor less than ten dollars.

License year.

Sec. 16. The license year shall begin on the first day of June of each and every year.

Business classified.

Sec. 17. The town council shall have power to graduate any of the license taxes permitted in this charter, by dividing the business into classes according to the size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class.

Proviso: taxes uniform in class. Further subjects of taxation.

Sec. 18. That in addition to the subjects enumerated in the foregoing, the town council shall, for the purpose of raising revenue, have power to tax all persons, firms, or corporations and all subjects of taxation which under the Constitution and laws of the State of North Carolina are taxable by the General Assembly

for State and county purposes: *Provided*, such tax shall not exceed one-half of that levied annually on like subjects by the State and county for State and county purposes. Proviso: limit of tax.

Sec. 19. That the town council may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper. Licenses posted.

Sec. 20. The town council may regulate and license chauffeurs, those who run their own automobiles or those of others, plumbers, and those engaged in the electric wiring of buildings for light, power, or heat, and before issuing a license may require the applicant to be examined and to give bond in such sum and upon such conditions as the council may determine, and with such sureties as it may approve; and said council may, for incompetency on the part of such licensees or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder. Chauffeurs. Plumbers and electricians. Examination and bond. Revocation of license.

Sec. 21. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said council. Doing business without license forbidden.

Sec. 22. That no license issued hereunder by said council shall be for more than one year, and same shall not be transferable or assignable except by the permission of the town council. License limited to one year and not transferable.

Article XII.

Added powers and ratification of this act.

Section 1. That the municipality herein incorporated as Town of Morganton shall, in addition to those granted by this charter, have all of the rights and powers conferred upon incorporated cities and towns by chapter seventy-three (sections 2915 and 3011, inclusive) of the Revisal of one thousand nine hundred and five, except as such rights and powers may be added to, modified, changed, or extended by the provisions of this act. Rights and powers under general law.

Sec. 2. That sections three (3) and thirteen (13) of chapter twenty of the Private Laws of one thousand eight hundred and ninety-nine and all other laws in conflict with this act be and the same are hereby repealed. Laws repealed.

Sec. 3. A special court for the trial of misdemeanors and for other purposes, to be designated as "The Police Court of the City of Morganton," is hereby established, with the following jurisdiction: Police court.

(*a*) With exclusive original jurisdiction over all offenses arising from the violation of all ordinances, by-laws, rules and regulations of the board of aldermen within the corporate limits of the city of Morganton. Jurisdiction under town ordinances.

(*b*) With jurisdiction, power, and authority for the trial and determination of all misdemeanors created by the laws of the State of North Carolina committed within the corporate limits of the city of Morganton and Morganton Township. Jurisdiction of misdemeanors.

Jurisdiction as to offenses below felony.
Petty misdemeanors.

(c) With concurrent jurisdiction over all criminal offenses committed within the corporate limits of the city of Morganton, below the grade of a felony as now defined by law, and all such offenses are hereby declared to be petty misdemeanors.

Jurisdiction in preliminary hearings.

(d) Original jurisdiction to hear and determine the question of probable cause and bind over to the Superior Court of Burke County for all offenses committed within the corporate limits of the city of Morganton and of Morganton Township, above the grade of misdemeanors, where final jurisdiction is not given under this act.

Jurisdiction of justice of the peace.

(e) No provision in this act shall be construed to be intended to deprive courts of justices of the peace of concurrent jurisdiction with such police court of the city of Morganton over any misdemeanor now within the jurisdiction of such court.

Power and authority of police justice.

(f) Said police justice shall have power and authority to issue his warrant or other process for all persons charged with any criminal offense within his jurisdiction, and have such persons brought before him and hear, try, and determine the charges against them and give judgment thereon; impose fines and sentences of imprisonment, penalties and forfeitures; issue executions and otherwise direct and compel the enforcement of his judgments, subject to the limitations in this act as to the amount of such penalties and punishments, with the right of appeal by the defendant from the judgment of sentence of the police justice's court to the Superior Court of Burke County, under the same provisions of law as govern appeals from inferior courts or courts of justices of the peace. In case a defendant, witness, or other person shall be adjudged to be imprisoned by said police justice's court, it shall be competent for the said court to sentence such person to imprisonment on the county, township, or municipal roads of Burke County, or to an adjoining county, or the common jail of Burke County; and in case a defendant shall not pay a fine and cost for violation of an ordinance of the city of Morganton, the police justice's court shall have power and authority to sentence the defendant in such case to work on the streets, or other public works, in Morganton. The defendant in such case shall have credit upon the amount so adjudged against him at the rate of one dollar per day for every day in which he shall work upon the streets or other works.

Right of appeal.
Sentences.
Credit for work.

Seal of court.

Sec. 4. The police justice's court shall have a seal with the inscription, "The Police Court of the City of Morganton, N. C.," which shall be used in attesting all writs, warrants, or other process, acts, judgments, or decrees of said court, in the same manner and to the same effect as the seals of other courts in the State of North Carolina.

Officers to whom process issued.
Process to run.

Sec. 5. That the police justice may issue his process to the chief of police, the city police, the sheriff, constable, or other lawful officer of Burke County, and such process when attested

by the seal of said court shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers accordingly: *Provided*, that neither the chief of police nor city police shall execute any process outside the corporate limits of Morganton, unless the offense was committed within the corporate limits of said city. Proviso: execution of process by police.

Sec. 6. That the police justice shall charge and collect in all criminal cases one dollar for the violation of or offenses against the town ordinances, rules and regulations, and two dollars in all other cases in which convictions are had, to be charged and collected out of the party against whom judgment is rendered, which shall be in full compensation for his services as trial justice. Fees of justice.

Sec. 7. Should the police justice be prevented from attending the police court on account of sickness or other disability, then in that case the mayor of the city shall act as trial justice during the absence or sickness of the presiding justice, and he shall have the same powers and authority which are granted to the police justice, and be entitled to the same fees. Mayor to act in absence of justice.

Sec. 8. That the judgments rendered by the police justice under the provisions of this act shall have all the force, virtue, and validity of judgments rendered by an inferior court under the laws of the State, and may be enforced and executed against the party in Burke County or elsewhere, in like manner and by the same means, and to the same extent; and all fines, penalties, and forfeitures, fees, and costs shall be paid to and collected by the said police justice, who shall account for the same as provided by law. Force and effect of judgments. Payment of fines, penalties, and costs.

Sec. 9. That it shall be the duty of the said police justice to keep true records of all fines, penalties, and forfeitures and punishments by him imposed under the provisions of this act, and for the violation of any ordinances, rules and regulations of the board of aldermen or commissioners of said city, in a book kept for that purpose, showing the name of the offender, nature of the offense, the date of hearing, punishment imposed, or penalty or forfeiture, and when and by whom the penalty, fine, or forfeiture is paid. Police justice to keep records.

Sec. 10. That the Clerk of the Superior Court of Burke County upon a motion may, in his discretion, transcribe, certify, and remove any criminal offenses now pending on the docket in the Superior Court of Burke County, where jurisdiction is given to this court, to the police court, by consent of the defendants, to be tried and determined by said police justice. Transfer of causes.

Sec. 11. That R. L. Huffman be and he is hereby appointed trial justice of said police court for a term ending with the municipal election in April, one thousand nine hundred and fourteen, and his successor shall be elected at the regular municipal election, by the qualified voters of the town of Morganton and Justice appointed. Term. Election of successor.

Morganton Township at the election to be held under this act for mayor and commissioners in April, one thousand nine hundred and fourteen, and every year thereafter.

Legal adviser of town council.

Sec. 12. That the said trial justice shall be *ex officio* legal adviser of the mayor and commissioners of the town of Morganton, and shall not receive any other fees for same other than as herein provided.

Justice to qualify.

Sec. 13. That before entering upon his duties, the said trial justice shall take and subscribe an oath as prescribed for judges of the Superior Court, before some officer authorized by law to administer oaths, which shall be filed with the Clerk of the Superior Court of Burke County.

Vacancy.

Sec. 14. Any vacancy occurring in the office of trial justice shall be filled by the mayor and commissioners of the town of Morganton.

Jury trial.

Sec. 15. That either party to actions in this court may have and demand a jury as provided in courts of justices of the peace.

Costs to use of clerk of superior court.

Sec. 16. That in all cases in said police court in which the Superior Court has jurisdiction there shall be taxed as cost therein the same fees to the use and benefit of the clerk of the Superior Court as he would receive if said cause was tried in said Superior Court; and in such cases there shall also be taxed a fee of two dollars, to be charged and collected out of the party against whom judgment is rendered, to be paid to the use of the township road fund of Morganton Township, to be expended on the roads of said township.

Fee taxed for road fund.

Right of appeal.

Sec. 17. In all cases there shall be the right of appeal from the judgment of said court by the defendant to the Superior Court of said county, and upon such appeal trial in such court shall be *de novo*.

Witnesses.

Sec. 18. Witnesses shall be entitled to fifty cents per day and mileage at five cents per mile each way, but only such witnesses shall be allowed to prove as are now allowed to prove in the Superior Court.

Justice may practice law.

Sec. 19. That the trial justice shall not by reason of his office be prohibited from practicing the profession of law, except such matters as are connected with or growing out of said courts.

Procedure of court.

Sec. 20. That the procedure in said court shall follow the rules and principles laid down in the chapter on criminal procedure in the Revisal of one thousand nine hundred and five, as far as may be.

Sec. 21. That this act shall be in effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 105.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF KENLY GRADED SCHOOL DISTRICT TO ISSUE BONDS TO ERECT A GRADED SCHOOL BUILDING IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of raising money to build and equip a new graded school building for Kenly Graded School District, the board of trustees of Kenly Graded School District are hereby authorized and empowered to issue bonds to an amount not exceeding fifteen thousand dollars, thirty-year, five per cent coupon bonds, interest payable semiannually on the first days of January and July of each year; said bonds and interest coupons shall be payable at such banks as the said board may designate therein. Said bonds shall be signed by the chairman and attested by the secretary, and the corporate seal of said "The Board of Trustees of Kenly Graded School District" thereunto attached, and the coupons on and attached to said bonds shall bear the printed facsimile of the signature of the chairman or secretary or both.

Purpose of bond issue. Issue authorized. Amount. Maturity and interest. Authentication.

Sec. 2. That said bonds shall not be sold for less than par, and the proceeds derived from the sale of same shall not be used for any purpose than mentioned in this act. By this provision, however, no duty is imposed on the purchasers of said bonds to see how the proceeds of the bonds by them purchased is used, but this provision applies only to the officers of the Kenly Graded School District. And said bonds shall be exempt from all taxation, general or special, for county or municipal purposes.

Sale below par forbidden. Specific appropriation. No obligation on purchaser. Exemption from taxation.

Sec. 3. That for the purpose of paying the interest on said bonds and to create a sinking fund to provide for the retirement of said bonds at maturity, the board of county commissioners of the county of Johnston shall, annually at the time of levying other taxes, levy, lay, and assess a special tax on all taxable polls within said Kenly Graded School District of not exceeding fifty cents, and levy, lay, and assess a special tax on all personal and real property subject to taxation within said district not exceeding sixteen and two-thirds cents on the hundred dollars. That the taxes herein provided for shall be collected by the Sheriff of Johnston County and turned over to the treasurer of the Kenly Graded School District, who shall keep the same separate and apart from all other taxes or funds he may have in hand or might receive, which shall be designated as "Bond Funds." That out of said bond funds the treasurer aforesaid shall annually, prior to January first, set apart a sufficient amount to pay the interest on the bonds

Special tax. Tax rate. Collection and settlement of tax. Funds kept separate. Payment of interest.

Sinking fund.

sold and outstanding, and annually, on or before the first Monday in July following, the remainder of said bond fund or taxes paid shall be set aside to the sinking fund.

Appointment and duty of treasurer.

Sec. 4. That upon the ratification of this act by the electors of Kenly Graded School District, the trustees of said district shall appoint a treasurer of sinking fund of Kenly Graded School District, who may be the regular treasurer to said board of trustees, whose duty it shall be to receive and properly account for all funds turned over to him by the treasurer of Kenly Graded School District, or the sheriff aforesaid, in the event the general treasurer to the graded school district and said sinking fund is one and the same person, together with not less than four per centum interest per annum thereon, payable semiannually from and after thirty days after receipt of same into his hands. Said treasurer of the sinking fund aforesaid shall give a bond in the sum of one thousand dollars before he enters upon the discharge of his duties, conditioned upon the faithful performance of his duties and the accounting for all moneys received by him, with interest as herein provided. Said treasurer shall biennially thereafter be elected by the board of trustees of Kenly Graded School District, and shall give bond in double the sum of money on hand, and which is estimated would be received during his term.

Interest.

Bond of treasurer.

Treasurer elected and to renew bond biennially.

Act to be submitted to voters.

Sec. 5. That before the bonds provided for herein shall be issued, this act shall be submitted to the qualified voters of Kenly Graded School District for their approval or rejection by the board of commissioners of Johnston County at an election to be held in said district at such time as may be designated in petition of the board of trustees of said district. Notice of said election shall be published for thirty days prior to the date of holding same. Each voter who shall be in favor of issuing the bonds herein provided for shall cast a ballot, written or printed, containing the words "For Bonds." Each voter who shall be opposed to issuing said bonds herein provided for shall cast a ballot, written or printed, containing the words "Against Bonds." The number of ballots cast "For Bonds" and "Against Bonds" shall be counted and the result certified to the Register of Deeds of Johnston County, who shall furnish to the chairman of the board of trustees of Kenly Graded School District a certified copy of said returns and forward a like copy to the Secretary of State, who shall file the same in his office, and the original shall be recorded and filed by the Register of Deeds of Johnston County, as by law required in cases of special elections.

Notice of election.

Ballots.

Count of votes and certificate and record of result.

Law governing election.

Election officers.

Sec. 6. That said election shall be conducted under the same rules, regulations, and penalties as are prescribed by law for the election of members of the General Assembly, except that the registrar and poll-holders necessary for holding said election shall be appointed by the board of county commissioners of Johnston County at their regular meeting thirty days prior to said election; and the returns thereof shall be made to and canvassed by the

Canvass of returns.

board of commissioners of Johnston County; and there shall be an entirely new registration, under the provisions of the general election law of the State, of all voters who are entitled to register in Kenly Graded School District, and only such persons who register under the provisions of this act shall be entitled to vote in said election. New registration.

Sec. 7. If at the election hereinbefore provided for, a majority of the ballots cast shall be "For Bonds," then the board of trustees of Kenly Graded Schools shall proceed to issue and sell the bonds in this act provided for, or so many thereof as may be necessary, in the discretion and judgment of the board, for the purposes aforesaid. Issue of bonds.

Sec. 8. That in the event said bonds are issued as provided for by this act, the proceeds derived from the sale thereof shall be used by the trustees aforesaid for the purpose of erecting a modern graded school building and to equip the same. That the trustees aforesaid, immediately upon the ratification of this act by the voters or said district, shall proceed to have plans and specifications for the proposed new building gotten up and prepared and to have erected said building as soon thereafter as practicable. Use of proceeds of bonds. Plans for and erection of building.

Sec. 9. That should a majority of the ballots cast in the election held under the provisions of this act be against bonds, then and in that event no bonds shall be issued thereunder: *Provided*, an election resulting unfavorably to the levying of said tax and issuance of said bonds shall not exhaust the power of said board of trustees to submit the question of levying said tax and issuing said bonds at another and subsequent election, to be held as hereinbefore provided for, at any time within twelve months from and after the holding of the first election under this act. Bonds not issued if vote adverse. Proviso: further election.

Sec. 10. The number of persons registered for the special election herein provided for shall be conclusively held to be the number of qualified voters in said district. Qualified voters.

Sec. 11. That the tax herein provided for shall in no wise affect the tax now levied or which may hereafter be levied for the maintenance and support of the graded school of said district. Other taxes not affected.

Sec. 12. That all of sections from three to twelve, both inclusive, of chapter three hundred and sixty-nine, Private Laws of one thousand nine hundred and eleven, are hereby repealed, and the taxes therein provided for shall not again be levied or assessed; and all other laws and clauses of laws in so far as they conflict with or are inconsistent herewith are hereby repealed in so far as they affect the provisions of this act, and no further: *Provided*, that if the election provided for in this act shall result unfavorably to a bond issue, the foregoing repealing clause of this section shall be ineffectual and void. Laws repealed. Proviso: repeal not effective if election adverse to bonds.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 106.

AN ACT TO AUTHORIZE THE CITY OF ROCKY MOUNT TO ISSUE BONDS FOR MUNICIPAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of aldermen of the city of Rocky Mount be and it is hereby authorized to issue coupon bonds of

Amount.

said city, to an amount not exceeding one hundred and thirty-five

Purposes of issue.

thousand dollars, par value, for the purpose of paving and otherwise improving the streets of said city, extending and improving its system of sewerage, extending and improving its system of electric lighting, and liquidating its floating indebtedness.

Bond issue for gas works.

Sec. 2. That the board of aldermen of said city be and it is hereby further authorized to issue coupon bonds of said city, to

Amount.

an amount not exceeding sixty-five thousand dollars, par value, for the purpose of installing and establishing in said city a municipal gas works for the manufacture and distribution of gas for heating and illuminating purposes.

Maturity.

Sec. 3. That all bonds hereinbefore provided for shall be payable or redeemable at such place or places, and at such time or times, not exceeding fifty years from the date thereof, as the

Interest.

board of aldermen of the said city shall prescribe, and shall bear interest from date, at a rate not exceeding five per cent per annum, payable semiannually on the first days of January and July of each year, and at such place or places as said board of alder-

Authentication.

men shall determine. Said bonds shall be signed by the mayor of said city and attested by the city clerk, and shall have affixed thereto the corporate seal of said city. The interest coupons attached to said bonds shall bear the lithographed facsimile of the signatures of said mayor and city clerk; and said bonds shall, in all other respects, be of such form and tenor as said board of aldermen shall prescribe.

Particular taxes.

Sec. 4. That for the purpose of raising revenue for the payment of the bonds authorized in the first section of this act, both principal and interest, at the time of laying and levying other municipal taxes for the fiscal year commencing on the first day of May next succeeding the ratification of the provisions of this act in reference thereto at an election to be called and held as hereinafter provided, and annually thereafter as long as necessary, the board of aldermen of said city shall lay and levy the follow-

Property tax.

ing particular taxes, to wit: (1) On all real and personal property within the corporate limits of said city, including money and solvent credits, and on every other subject of taxation upon which an *ad valorem* tax is or may be levied for other municipal purposes, a tax not exceeding twenty cents on each and every one

Poll tax.

hundred dollars of the assessed value thereof. (2) A capitation tax not exceeding sixty cents on each and every taxable poll in said city.

Particular tax for gas bonds.

Sec. 5. That for the purpose of raising revenue for the payment of the bonds authorized in the second section of this act, both principal and interest, at the time of laying and levying other municipal taxes for the fiscal year commencing on the first day of May next succeeding the ratification of the provisions of this act in reference thereto at an election to be called and held as hereinafter provided, and annually thereafter so long as necessary the board of aldermen of said city shall lay and levy the following particular taxes, to wit: (1) On all real and personal property within the corporate limits of said city, including money and solvent credits, and on every other subject of taxation upon which an *ad valorem* tax is or may be levied for other municipal purposes, a tax not exceeding ten cents on each and every one hundred dollars of the assessed value thereof. (2) A capitation tax not exceeding thirty cents on each taxable poll in said city.

Property tax.

Poll tax.

Act submitted to voters.

Sec. 6. That the provisions of this act in reference to issuing bonds and levying taxes for the payment of same as hereinbefore provided shall be submitted to the qualified voters of the city of Rocky Mount, at an election to be called by the board of aldermen of said city within ninety days of the ratification of this act; and, at the time of ordering said election, the said board of aldermen shall likewise order a new registration of voters in the several wards and voting precincts of said city. Said election shall be held in like manner as elections for mayor and aldermen of said city are held; and all provisions of law governing the holding of such other municipal elections shall apply thereto, unless herein otherwise provided. Notice of said election shall appear by advertisement in one or more newspapers published in the city of Rocky Mount for at least thirty days preceding said election, and shall state the purpose of said election, when and at what places to be held, and the ordering of a new registration of voters in the several wards and voting precincts of said city, and shall likewise fully recite the provisions of the first, second, third, fourth, fifth, sixth, and seventh sections of this act.

Time of election.

New registration.

Law governing election.

Advertisement of election.

First proposition.

Second proposition.

Sec. 7. That at said election the matter of issuing bonds, to an amount not exceeding one hundred and thirty-five thousand dollars, as authorized in the first section of this act, and the levying of taxes for the payment of said bonds, as authorized in the fourth section, shall be submitted to the qualified voters of the city of Rocky Mount for ratification or rejection, as a first proposition; and the matter of issuing bonds to an amount not exceeding sixty-five thousand dollars, as authorized in the second section of this act, and the levying of taxes for the payment of said bonds, as authorized in the fifth section of this act, shall be submitted to the qualified voters of said city for ratification or rejection, as a second proposition, separate and distinct from the first. Those electors favoring the first proposition shall vote a printed or written ballot containing the words "For Paving and Sewerage Extension,"

Ballots.

and those opposing said proposition shall vote a like ballot containing the words "Against Paving and Sewerage Extension"; and those electors favoring said second proposition shall vote a printed or written ballot containing the words "For Municipal Gas Works," and those opposing said proposition shall vote a like ballot containing the words "Against Municipal Gas Works."

Returns.

Sec. 8. That the registrars and judges of election for the several wards and voting precincts of said city who shall hold said election, in making return of the result thereof, shall incorporate therein, not only the number of votes cast for and against each of the aforesaid propositions in their respective wards and voting precincts, but also the number of qualified voters therein. The board of canvassers of said city shall, in like manner as is provided by law for ascertaining the result of elections for mayor and aldermen of said city, canvass the vote cast in the several wards and voting precincts of said city in said election and the number of qualified voters therein, and shall judicially determine and declare the result of said election, the vote of a majority of the qualified voters of said city to be, in each case, necessary for the adoption of said proposition for issuing bonds and levying taxes for the payment of same as hereinbefore provided. The said board of canvassers shall likewise prepare an abstract, tabulating and showing the number of votes cast for and against each of said propositions in said election and the number of electors qualified to vote therein, and declaring the result of said election; and said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the city clerk of Rocky Mount, who shall record said abstract in the city record book and file the original.

Canvass of vote.

Majority of qualified vote necessary.

Abstract of votes.

Abstract recorded.

Issue and sale of bonds.

Sec. 9. That should said election result in the adoption of the aforesaid propositions for issuing the bonds authorized in the first and second sections of this act, to an amount not exceeding one hundred and thirty-five thousand dollars, and to an amount not exceeding sixty-five thousand dollars, respectively, or either of them, the board of aldermen of said city shall, without unnecessary delay, proceed to issue the bonds thus authorized and approved, to such amount or amounts, not exceeding the limit prescribed, as shall be deemed necessary to effectuate the purpose for which said bonds are being issued, and to make sale of the same, in such manner and upon such terms as shall be deemed most advantageous.

Funds kept separate.

Sec. 10. That all moneys realized from the sale of said bonds shall be covered into the city treasury of Rocky Mount, and the city treasurer shall keep the same separate and apart from all other moneys in his hands; and in the event that the bonds authorized by both the first and the second sections of this act shall be issued, the moneys realized from the one shall be kept separate and apart from the moneys realized from the other. Said city

treasurer shall disburse said moneys only upon the order of the board of aldermen of said city, and said board of aldermen shall expend the same only for the purposes hereinbefore authorized. Disbursements. Specific appropriations.

Sec. 11. That all taxes levied in pursuance of the provisions of this act shall be collected by the city tax collector of Rocky Mount, as other municipal taxes are collected; and said tax collector shall pay the same over to the city treasurer, who shall disburse the same only upon the order of the board of aldermen of said city. Collection and settlement of taxes.

Sec. 12. That if either or both of said propositions for issuing bonds and levying taxes for the payment thereof shall fail to receive the votes of a majority of the qualified voters of said city in said election, to be called and held as hereinbefore provided, the board of aldermen of said city may thereafter, and as often as shall be deemed advisable, provided that it be not oftener than once in any one year, call another or other elections, as the case may be, at which said proposition or propositions, theretofore defeated and again submitted for ratification or rejection, shall be voted upon; and the adoption of the proposition or propositions thus submitted and voted upon shall be of like force and effect as if such had been the result at the election first called and held as hereinbefore provided. And all of the foregoing provisions of this act relating to elections shall apply with equal force and effect to all elections authorized to be held hereunder. Further elections.

Sec. 13. That nothing contained in this act shall be construed to forbid or prevent the board of aldermen of said city from submitting to the qualified voters thereof, at any election which shall be called and held in pursuance of its provisions, any other question or proposition upon which such vote is, at the time, required or authorized to be taken under substantially similar conditions. Other questions submitted.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 107.

AN ACT TO AUTHORIZE THE NASHVILLE SCHOOL DISTRICT TO ISSUE BONDS FOR ENLARGING THE SCHOOL GROUNDS AND FOR CONSTRUCTING BUILDING FOR SAID DISTRICT AND FURNISHING THE SAME.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of enlarging the Nashville School District grounds and enlarging and constructing and furnishing the building of the Nashville School District and of doing all things necessary and incidental thereto, and for no other purpose, the board of trustees of said Nashville School District Purpose of bond issue. Bond issue directed.

Amount.

are hereby authorized, empowered, and directed to issue bonds of the said Nashville School District in an amount not to exceed eight thousand dollars, payable at such time or times and place or

Proviso: maturity.

places as the said board of trustees may prescribe: *Provided, however*, that the time of payment of such bonds shall not be less than ten years nor more than twenty years after the date of the issue.

Interest.

Sec. 2. That the said bonds shall bear interest at a rate not to exceed six per cent per annum, and the interest thereon shall be made payable annually or semiannually, as the board of trustees

Sale below par forbidden.

may determine and prescribe, and the said bonds shall not be sold, exchanged, hypothecated or otherwise disposed of for less than their par value.

Authentication.

Sec. 3. That the said bonds shall be signed in the name of the board of trustees of Nashville School District by the chairman of the said board of trustees and attested by the secretary of said board, and shall have the seal of the said board of trustees affixed thereto. The coupons thereto attached shall bear the lithographed facsimile of the signature of said chairman and said secretary of

Record of bonds.

said board of trustees. A record shall be kept of said bonds, showing the number and denomination thereof, to whom sold, the date of issue of the same, when the same shall mature, the amount received from the sale of the same, the date of paying the proceeds into treasury of said board of trustees, and such other data in relation to the same as the said board of trustees may direct to be kept.

Denominations.

Sec. 4. That said bonds shall be in denominations of not less than one hundred dollars, and shall be issued in classes and mature at such time as may be prescribed in the discretion of said board of trustees, subject, however, to the provisions of section one hereof.

Special tax.

Sec. 5. That in order to pay the interest on said bonds as it shall become due, or the coupons on said bonds as they shall become due, and the principal of said bonds, the board of county commissioners of Nash County shall annually, at the time of levy-

Limit of rate.

ing other taxes, levy and lay a special tax not to exceed fifteen cents on every hundred dollars worth of property and not to exceed forty-five cents on every poll subject to taxation within the said Nashville School District to meet the annual accruing interest on said bonds, and the principal of said bonds, and pro-

Collection and settlement of tax.

vide a sinking fund for the payment of the same. The tax provided for in this section shall be collected by the Sheriff of Nash County and by him paid over to the treasurer of said Nashville

Specific appropriation.

School District and shall be exclusively used for the purpose for which they are collected.

Investment of sinking fund.

Sec. 6. That it shall be the duty of said trustees to loan any and all moneys and the accruing interest on the same, remaining and set apart from the special tax for sinking fund for the pay-

ment of the principal of said bonds, upon notes, with good and sufficient collateral security thereof.

Sec. 7. That any moneys of said sinking fund so loaned shall bear the legal rate of interest in North Carolina, and any interest thereof shall be annually loaned in the same way. Interest on sinking fund.

Sec. 8. That the said bonds shall be sold at private or public sale after due notice, as the board of trustees of said school district may determine, and the proceeds of sale of said bonds shall be turned over to the treasurer of the said board of trustees of the Nashville School District, who shall be required to give bond for the safe-keeping and proper disbursement of said funds in such amount as may be required of him by the board of said school district, and his compensation both for receiving and disbursing the said fund shall be nothing, unless the board of trustees shall see fit to pay a salary. Sale of bonds. Proceeds paid to treasurer. Bond of treasurer. Compensation.

Sec. 9. That the aforesaid bonds shall be issued for the purpose set forth in this act, and the funds arising from the sales of said bonds shall be used as declared in section one hereof, for enlarging the Nashville School District grounds and enlarging and constructing and furnishing the building of the Nashville School District and of doing all things necessary and incidental thereto as the board of trustees of the Nashville School District may deem proper. The said funds shall be expended under the supervision and direction of the said board of trustees and shall be paid out by the treasurer of the said board of trustees of the Nashville School District upon vouchers drawn by the secretary of said board of trustees and approved by the chairman of said board of trustees of said Nashville School District: *Provided, however*, that in no case shall the purchasers of said bonds be required to see to the application of the purchase money paid by him therefor. Use of proceeds of bonds. Direction of expenditures. Vouchers. Proviso: no obligation on purchasers.

Sec. 10. That the board of trustees of the Nashville School District shall not issue the aforesaid bonds nor any part of them, nor shall the county commissioners of Nash County levy nor collect the aforesaid tax until it shall have been authorized and empowered to do so by a vote of a majority of the qualified voters of the said Nashville School District at an election. Said election shall not be held later than the first day of June, one thousand nine hundred and thirteen, and notice of the same shall be given by published advertisement for thirty days prior to the day of election in some newspaper published in the town of Nashville or the county of Nash, and also at the courthouse door in Nashville, North Carolina. At said election those electors favoring the issue of said bonds and the levy and collection of said tax for the payment of the interest or coupons on said bonds and of the principal of said bonds shall vote a ballot upon which shall be written or printed the words "For School Improvement Bonds," and the electors opposing the issue of said bonds and the levying and collection of said tax as herein set out shall vote a ballot upon which Election on bond issue. Time for election. Advertisement of election. Ballots.

shall be written or printed the words "Against School Improvement Bonds." That for the purpose of submitting to the qualified voters of the Nashville School District the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the county board of commissioners of Nash County, upon petition of the board of trustees of the Nashville School District, or a majority of them, shall order an election to be held in the said district at the usual polling place in Nashville at such time as the said board of trustees of the Nashville School District, or a majority of them, may request of said county commissioners in accordance with the time set out in section number ten of this act. The said board of county commissioners are hereby empowered and directed to appoint a registrar and two judges of election, and shall order an entire new registration of voters for said election.

Petition for election.

Election officers.

Returns.

Sec. 11. That the original returns of the said election shall be made by the election officers or one of their number, appointed by them for that purpose, to the board of county commissioners of Nash County, and the said board of county commissioners shall on the first Monday after the said election canvass the returns and declare the result of the election, and the result of the said election shall be inscribed upon the minute-book or records kept by the said board of county commissioners. If at the election aforesaid a majority of the said qualified voters of the said Nashville School District shall cast ballots upon which are written or printed the words "For School Improvement Bonds," then the bonds herein provided for shall be issued and sold according to the provisions herein contained.

Canvass and record of returns.

Bonds issued on majority of qualified voters.

Further elections.

Sec. 12. It at the election aforesaid a majority of the qualified voters of said Nashville School District shall fail to vote "For School Improvement Bonds," then the board of county commissioners of Nash County, at the request of the board of trustees of the Nashville School District, or a majority of them, may at any time and as often thereafter as it may be deemed best, not oftener, however, than once in any one year, order another election on said question herein provided for, to be held in the same manner as is herein provided for, after advertisement as herein prescribed, and at each of said elections the ballot shall be as herein directed, and if at any such election a majority of the qualified voters of said Nashville School District shall cast ballots upon which are written or printed the words "For School Improvement Bonds," then the said bonds shall be issued as is provided for under the terms of this act, and the proceeds of sale of the same shall be applied to the purpose and upon the terms and conditions hereinbefore stated.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 108.

AN ACT TO AUTHORIZE THE TOWN OF GRAHAM TO ISSUE BONDS FOR PAVING STREETS AND SIDEWALKS.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Graham be and it is hereby authorized to issue bonds of the said town in such an amount as it shall deem necessary, not to exceed fifty thousand dollars, for the purpose of grading, paving, macadamizing, putting down crossings, curbings, gutters, and cross-drains, and otherwise improving the streets of said town; that the proceeds from the sale of said bonds shall be used for the improvement of the streets of said town other than sidewalks, except as hereinafter provided. Bond issue authorized. Amount. Purposes of issue.

Sec. 2. That the said bonds shall be negotiable coupon bonds, payable to bearer, in such denomination as the said board of commissioners may determine, and to become due and payable fifty years after date, bearing interest from date at the rate of five per cent per annum, due and payable semiannually, which interest shall be evidenced by the coupons attached to said bonds; that the bonds to be issued under this act shall not be sold for less than par value, and the proceeds from the sale of said bonds shall be kept separate and apart from the other funds of said town and shall be applied only to the purposes expressed in this act: *Provided, however*, that the purchaser or purchasers of said bonds shall be in no wise bound to see to the application of the said funds; that the said bonds shall be signed by the mayor, attested by the clerk, and sealed with the seal of the said town. The interest coupons shall be signed only by the mayor of said town; that all of said bonds that shall be sold up to the said amount of fifty thousand dollars shall be issued as of the same date, and bear interest as aforesaid, but the coupons for interest on the installments actually sold at a date later than the date of issuance shall be torn off before delivering the said bonds to the purchaser or purchasers, to the date of maturity of the coupons next preceding the date of such sale. Denominations. Maturity. Interest. Sale below par forbidden. Proceeds kept separate. Specific appropriation. Proviso: no obligation on purchasers. Authentication. Sale in installments.

Sec. 3. The board of commissioners of the town of Graham shall order a special election to be held in said town upon the question of issuing said bonds and raising revenue to liquidate the same, as herein provided for; that said special election shall be ordered held not later than the seventeenth day of June, one thousand nine hundred and thirteen, and before said election is held the said board of commissioners shall give notice thereof for twenty days by publishing said notice in some newspaper published in said town and by posting a notice thereof at the courthouse door in said town. Special election. Time for election. Advertisement of election.

Election officers.

Sec. 4. That for the purpose of holding said election the commissioners of said town shall appoint one registrar and two poll-holders at the time the said election is ordered, and that said registrar shall immediately give notice, by posting a notice at the courthouse door in said town, stating where he may be found, and shall for twenty days next preceding said election, Sundays excepted, and until sundown on the day next preceding the day of election, keep open said registration books for the registration of voters for said election. For the purpose of this election the said board of commissioners shall order and there shall be a new registration of the voters of said town, and persons to register and vote in this election shall be qualified in like manner as persons are required to be to register and vote in elections held in said town for mayor and other municipal officers.

Notice for registration.

New registration.

Qualified voters.

Ballots.

Sec. 5. That those in favor of issuing said bonds shall vote a ballot of white paper on which shall be written or printed the words "For Street Bonds." And those opposed to the issuing of said bonds shall vote a ballot of white paper upon which shall be written or printed the words "Against Street Bonds."

Law governing election.

Sec. 6. As to the manner and time of opening and closing the polls and the challenging of voters, this election shall be held in all respects as provided by law for elections in said town for the mayor and commissioners thereof.

Count and return of votes.

Sec. 7. The said registrar and poll-holders shall tabulate and count the votes cast in said election, and shall make two copies of their returns, and said returns, in addition to showing the result of said election, shall show when and where said election was held, the number of voters registered for said election and the number of votes cast in said election. One copy of these returns they shall within forty-eight hours after the closing of the polls file with the clerk of the Superior Court of said county of Alamance, and with this report they shall file the registration and poll-book used in said election, and they shall certify to the correctness of both said books; and the said clerk shall file said return and registration and poll-book as a part of the records of his office and record said returns in the record of elections kept in his office. The other copy of said returns the said registrar and poll-holders shall within forty-eight hours after the closing of said polls file with the clerk to the board of commissioners of said town.

Copy of return filed with registration and poll-books.

Majority of qualified votes to determine.

Sec. 8. That if a majority of the qualified voters of said town, and only those voters who are entitled to register and who do register for this election shall be deemed qualified voters of said town, shall have voted for street bonds, then the board of commissioners of the said town shall issue and sell the bonds and apply the proceeds as herein provided.

Special tax.

Sec. 9. That the board of commissioners of the town of Graham, in order to pay interest upon said bonds and to create a

sinking fund to retire the bonds at maturity, shall, at the time of levying taxes for general municipal purposes, levy and cause to be collected annually a special tax upon all real and personal property subject to municipal taxes and upon all polls subject to municipal taxes, always observing the constitutional equation between the tax on property and the tax on polls, in a sufficient amount to pay the said interest and to create said sinking fund. Constitutional equation.

Sec. 10. That Charles A. Scott, C. P. Harden, John T. Black, Lynn B. Williamson, and Seymour S. Holt be and they are hereby appointed and constituted a "street commission," and they and their successors, each of whom shall be a qualified elector of said town, shall have full charge of the construction of permanent streets as provided for in this act. The mayor of the said town of Graham shall be *ex officio* chairman of the "street commission," and the town clerk and treasurer of said town shall be *ex officio* secretary to the "street commission." Vacancies on the street commission shall be filled by the members thereof, provided there be not more than two vacancies at any one time; in the event of more than two vacancies, the board of town commissioners shall elect suitable persons to fill the vacancies upon the street commission. The members of the street commission shall take and subscribe to the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed upon them by law. As soon as practicable after the ratification of this act the mayor of said town shall call a meeting of the street commission, at which meeting it shall organize and fix times for holding its regular meetings, and in addition thereto it shall meet at such other times as may be necessary upon the call of the mayor or any two members of said street commission. It shall be the duty of the street commission to decide which streets of said town shall be improved as herein provided for; the kinds and quantity of material that shall be used in building streets, the width of permanent streets to be built, and whether or not such streets shall be curbed and guttered. Street commission. Charge of street construction. Mayor, clerk, and treasurer ex officio. Vacancies. Commissioners to qualify. Mayor to call meeting. Called meetings. Selection of streets and material.

Sec. 11. The said street commission may in its discretion employ a competent engineer to make a survey of streets of said town and have general oversight of said work of paving, macadamizing, curbing, and otherwise building any and all of the permanent streets in said town. For the purpose of fully carrying out the work herein provided for, the said street commission is fully invested with the powers to contract and be contracted with for all work, material and means necessary to fully build and construct streets as herein provided for, and it is in the discretion of the said commission to employ foremen and engage labor and machinery and purchase material to build said streets or to let the work to contract, either in parts or for the whole. Employment of engineer. Powers vested in commission. Alternative systems of work.

Sec. 12. That whether the work upon said streets is done under the direct supervision of the street commission, its agents and Personal inspection of work.

employees, or is let to contract, it shall be the duty of the members of said commission to make such personal inspection of the work from time to time as it is being done, as shall satisfy them that the results being obtained are of such character as to produce a permanent, substantial, and serviceable street.

Specifications and estimates.

Sec. 13. That as soon as practicable after the organization of said street commission it shall decide the amount of street work to be done, the kind and quality thereof, and make estimates of the cost of the same, and if it is decided to let the work to be done by contract, to get bids thereon in such sections and amounts as may seem proper, and upon the estimates of the cost of all the said work to be done, to make a statement and submit to the board of town commissioners of the entire cost of such work, in no case to exceed the amount of forty-five thousand dollars.

Bids.

Statement to town commissioners. Limit of expenditures.

Accounts of work.

Sec. 14. That in the actual construction of said streets it shall be the duty of said street commission, if said work is done under its direction and not let to contract, to keep an accurate account of the cost of each of said streets that shall be built, and if the work of any given street shall vary in width or manner of construction so as to affect the cost thereof, then the account of the cost of construction of that particular street shall so state, and if the said construction is let to contract the contracts so let shall state the price for which each given street, according to the specifications thereof, is to be constructed. All of this information the said street commission shall keep, and make full reports thereof to the said board of town commissioners.

Variations.

Contracts on specifications.

Reports to town commissioners.

Inspection and approval of and payment for work let to contract.

Sec. 15. That if the construction is let to contract by said street commission, it shall be its duty to inspect, pass upon, and approve the construction of each street or part thereof as it is completed and to order the payment of the contract price thereupon by the board of town commissioners; and if the said work shall be done under the direction of the street commission, it shall be the duty of said commission, or its duly authorized agents, to keep an accurate pay-roll and bills of all material of every kind used, and approve same and submit them to the said board of town commissioners to be audited and paid. The payments of all contracts and bills for all of said work and construction shall be from the funds derived from the sale of bonds herein provided for.

Bills for work done by commission.

Fund for payment.

Records kept and returned to town commissioners.

Sec. 16. Said street commission, through its secretary, shall make proper and full minutes of all its meetings, and when it shall have performed all its duties as herein enumerated, and provided for the building and improving of such streets as shall be decided upon in so far as the funds herein provided will go, and shall have finished all other work that to it seems right and proper, and after said accounting and delivering all records to the board of town commissioners, the said street commission upon its own motion shall be dissolved.

Street commission dissolved.

Sec. 17. That the board of town commissioners of the town of Graham shall tax one-third of the cost of paving and curbing all such streets as shall be paved and curbed, making a finished street from curb to curb, against the property-owners on both sides of such streets, that is to say, the town paying two-thirds and the property-owners owning lots on each side of such street one-sixth of the entire cost of any given street that is curbed and paved from curb to curb: *Provided*, that the cost of paving the tracks between the rails and to a width of one foot on each side thereof of any street car or railway company laid in any of said streets shall be paid by such company, and shall be excluded in making said estimates, and the paving and curbing of such streets shall be considered as finished for the purpose of this assessment, without the completion of such work as the street car company or railway company is bound and obligated to do; and the said board of town commissioners shall tax one-fourth of the entire cost of building such streets or roadways of any approved material as shall be built within said town which is not curbed and paved from curb to curb against the property-owners on both sides of such streets or roadways, that is to say, the said town shall pay three-fourths of such cost and the property-owners owning lots or land on each side of such streets or roadways one-eighth of the entire cost of any given street or roadway that is built and not curbed and paved from curb to curb. The said taxes or assessments on abutting property as above provided for to be based on the frontage of such property upon the street improved in any given case, and to be a direct charge in favor of the town against such lots or tracts of land, and the owners of such lots or tracts of land shall pay to said town the said tax or assessment in ten annual installments, one installment thereof each year, the amount of money so advanced by the town of Graham, said annual installment to be placed upon the tax books as taxes upon said property and to be collected as other taxes are under the law. Upon the collection by the tax collector of said installments, he shall pay the same to the town treasurer, who shall keep a separate account of the said fund: *Provided*, that the board of commissioners of the town of Graham may use the said installment fund for the purpose of paving or otherwise permanently improving the streets and sidewalks of the said town, assessing and collecting from abutting property-owners their pro rata share of the cost of such work as provided for in the streets and sidewalks built by the street commission. The said taxes and assessments against abutting property shall be levied by the board of commissioners of the town of Graham at the first regular meeting of said board for levying municipal taxes for general purposes after the said street work shall have been completed, and the entire cost of any given street whereon assessments are made and prorated against abutting property shall be reckoned from the report of the street com-

Apportionment of cost.

Proviso: apportionment on railroad tracks.

Apportionment of cost.

Assessment based on frontage.

Lien on property.

Assessment payable in installments.

Separate accounts.

Use of installments.

Assessments based on reports of street commission.

Statements to be filed.

Assessments benefit to property.

Judgment.

Proviso: assessment payable in installments.

Sale for assessments.

Proviso: right of appeal.

Proviso: property exempt.

Sidewalks.

Funds for sidewalks.

Apportionment of cost.

mission on the cost of said street. The said board of town commissioners shall cause to be made and filed upon its records a complete statement for each street that shall have been paved, showing the frontage of each lot in feet, the owners thereof, and the amount assessed thereon. The said taxes or assessments prorated against the abutting property on streets improved is hereby declared a benefit to the property affected thereby, and is assessed against the same as such benefit, and upon the amount to be assessed against the property affected being determined by the board of commissioners, such assessment for benefits shall be in effect a judgment against the property so assessed: *Provided, however*, that upon the payment during any tax year of one-tenth of the amount of such assessment the person whose property is so assessed shall have until the next tax year within which to pay another one-tenth, and so on until the assessment is paid, the time not to exceed ten years from the expiration of the current tax year after the assessment is made; but if one-tenth of the assessment shall not be paid during any year, then the tax collector of the town of Graham shall advertise the property assessed on which said assessment has not been paid as above provided, for sale at the time of making his sale for taxes, and shall sell the same, and shall make title as provided by law for tax sales: *Provided further*, that property-owners affected thereby shall have the right to appeal, after the notice of the assessment, directly to the next civil term of the Superior Court of Alamance County, from the amount assessed against any property, for the purpose of ascertaining whether or not the property affected by said assessment has been assessed for more than its pro rata share of the actual cost of such paving: *Provided*, that all nontaxable abutting property upon streets and sidewalks that are improved shall be exempt from this assessment.

Sec. 19. The street commission herein provided for, in addition to building streets, shall cause to be built and constructed sidewalks of concrete or other permanent material as the needs of the town demand; and to provide funds therefor the board of town commissioners shall set aside from the proceeds of the sale of the said bond issue a sum, to be not less than five thousand dollars, which shall be expended upon the order of the said street commission for said sidewalks, the same method of building, accounting for, and paying for to apply as provided for streets; and the said board of town commissioners, upon the completion of said sidewalks, shall tax and assess one-half of the cost of building the same upon the abutting property, to be a lien thereon until paid, in favor of said town, the said one-half of the entire cost of the construction of said sidewalks to be prorated against the different owners and lots of real property according to the frontage of each, and to be levied and assessed at the first regular meeting of the board of commissioners for the levy of taxes after the comple-

tion of the sidewalks, and to be paid in five annual installments, one-fifth part thereof each year, and collected as taxes by the tax collector of said town, the same provision in all respects governing as provided for the collection of the assessments upon abutting property for the construction of streets, and the said assessments are to be paid to the town treasurer by the tax collector as a part of the fund arising from the assessment of abutting property for the construction of streets. Assessment payable in installments.

Sec. 20. All laws or parts of laws in conflict with this act are hereby repealed.

Sec. 21. This act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 109.

AN ACT TO AMEND CHAPTER 53, PRIVATE ACTS OF NORTH CAROLINA, SESSION 1909, RELATING TO SCHOOL TAX LEVY.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifty-three of the Private Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by striking out the words "thirty-three and one-third," in lines thirteen and fourteen of section seven thereof, and inserting in lieu thereof the words "forty-one"; and by striking out the words "one dollar," in lines fifteen and sixteen thereof, and inserting in lieu thereof the words "one dollar and twenty-three cents"; and by adding to the end of said section seven the following paragraph: Tax rate.

"*Provided*, that the provisions of the foregoing section as amended by this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on the day for holding the regular election for mayor and commissioners of the town of Laurinburg, in the year one thousand nine hundred and thirteen, which election shall be held under the provisions contained in section nine, chapter fifty-three of the Private Laws of North Carolina, session one thousand nine hundred and nine, not in conflict with this act: *Provided further*, that the ballot deposited by the qualified voters approving the increase of levy as provided by this act shall contain the written or printed words "For Better Schools," and the ballot deposited by those opposing the increase of levy shall contain the words "Against Better Schools." Proviso: act submitted to voters. Time of election. Law governing election. Proviso: ballots.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 110.

AN ACT TO AUTHORIZE AN INCREASE OF THE CAPITAL STOCK OF THE NORTH CAROLINA TALC AND MINING COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That section four of chapter two hundred and twelve of the Private Laws of one thousand nine hundred and one of the State of North Carolina, entitled "An act to declare the North Carolina Talc and Mining Company a duly incorporated company, and to ratify, confirm, amend, and enlarge its charter," be and the same is hereby amended by striking out all of said section four after the word "each," in line four of said section, and inserting in lieu thereof the words, "with the privilege at any time of increasing said capital stock to not more than two hundred and fifty thousand dollars."

Increase authorized.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force and effect from and after the date of its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 111.

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO SUBSCRIBE FOR AND PURCHASE STOCK IN THE CHARLOTTE FAIR ASSOCIATION.

Preamble: subscription heretofore made.
Benefit to city and county.
Returns on investment.
Future fairs.
Of benefit to city.
Conditional subscription by county.

Whereas the board of aldermen of the city of Charlotte subscribed for stock in the Mecklenburg Fair Association; and whereas the fairs conducted by the said association, in the judgment of the board of aldermen of the city of Charlotte, have resulted in benefit to the city of Charlotte and to the county of Mecklenburg; and whereas, said city has received in return one dollar and fifty-five cents, and will probably receive still more, for every dollar invested in the Mecklenburg Fair Association; and whereas the Charlotte Fair Association, Incorporated, intends to conduct, in and near the city of Charlotte, agricultural fairs; and whereas, in the judgment of the board of aldermen of said city, the fairs which are to be conducted by the Charlotte Fair Association will be of great benefit to said city; and whereas Mecklenburg County, through its board of county commissioners, has subscribed for ten shares of the capital stock of the Charlotte Fair Association, Incorporated, upon the condition that the city of Charlotte sub-

scribe for a like number of shares of equal par value; and whereas it is the desire of the city of Charlotte, expressed through its board of aldermen at a meeting held on May the thirteenth, one thousand nine hundred and twelve, to subscribe for and purchase ten shares of the capital stock of the Charlotte Fair Association, Incorporated: Now, therefore, Subscription desired.

The General Assembly of North Carolina do enact:

Section 1. That the city of Charlotte, acting through its board of aldermen, is hereby authorized and empowered to subscribe for and purchase ten shares of the capital stock of the Charlotte Fair Association, Incorporated. Subscription authorized.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 112.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF LITTLETON.

The General Assembly of North Carolina do enact:

Section 1. That all the territory lying within a radius of one and one-half miles from a large stone, the center of the town of Littleton, shall be and is hereby constituted the public school district for white and colored children, to be known as "The Littleton Graded School District." The Littleton graded school district.

Sec. 2. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denominations and of such proportion as such board of trustees may deem advisable, bearing interest from date, at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually, at such time or times and at such place or places as may be deemed advisable by such board of trustees. Said bonds to be of such form and tenor and transferable in such a way, and the principal thereof payable or redeemable at such time or times not exceeding twenty years from the date thereof, and at such place or places as said board of trustees may determine: *Provided*, that said board of trustees shall issue at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section three of this act. Said bonds shall be signed by the chairman of said board of trustees and countersigned by the secretary thereof, and a record of all bonds issued. Bond issue authorized. Amount. Denominations. Interest. Maturity. Proviso: bonds issued as needed. Authentication.

Purchase or erection of school buildings.

Sec. 3. That the proceeds arising from the sale of said bonds or such part thereof as may be necessary shall be expended by said board of trustees of graded school in purchase or erection of such graded school buildings as may be required and proper for the same, and in furnishing the same with school furniture and other necessary equipments, and for no other purpose.

Equipment.

Sale below par forbidden.

Sec. 4. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for a less sum than their par value; nor shall said bonds nor their proceeds be used for any other purpose than that declared in section three of this act.

Specific appropriation.

Coupons receivable for town taxes.

Sec. 5. The said interest coupons shall be receivable in payment of all taxes and other public dues of the town of Littleton, for any fiscal year in which said coupons shall become due or thereafter; and if any holder of any of said bonds or coupons shall fail to present the same for payment at the time or times or the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Interest to cease on maturity.

Particular tax.

Sec. 6. That for the purposes of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded school provided for in this act, the board of trustees for the Littleton Graded School District shall, annually, and at the time of levying the county taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and thirteen, levy and lay a particular tax on all property and subjects of taxation within the limits of the Littleton Graded School District on which the board of commissioners of either Warren or Halifax counties may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; and said particular tax shall not be more than thirty cents on the hundred dollars assessed valuation of the property and not more than ninety cents on each taxable poll.

Limit of rate.

Collection and settlement.

Sec. 7. That the taxes shall be collected by the tax collector of the counties of Warren and Halifax upon the property and polls levied in their respective counties at the time and in the manner that county and State taxes are collected, and the said tax collectors shall pay the same over to the treasurer of the said board of Littleton Graded School District; and the said treasurer shall pay out said taxes and other funds which may come into his hands for the use of graded school only upon warrant of chairman and secretary of said board of graded school trustees: *Provided*, that said treasurer shall enter into such bonds in such amounts as said board of trustees may direct for the keeping and proper disbursement of the same.

School warrants.

Proviso: treasurer to give bonds.

Bond issue to be voted on.

Sec. 8. That the provisions of sections two and six of this act shall be submitted to a vote of the qualified voters of said school district, at an election to be held on the third Thursday in March, one thousand nine hundred and thirteen, or, if for any cause said election cannot be held on that day, then on any day thereafter

Date of election.

to be designated by said board of trustees, and the said board of trustees shall cause said election to be held on said date and shall cause notice of said election, containing copy of sections two and six of this act, or a synopsis thereof, to be published in some newspaper published in either Warren or Halifax County for two weeks prior thereto; and in all other respects said election shall be held and conducted under the provisions of the law regulating municipal elections in the town of Littleton. For the purposes of calling and conducting this election the board of trustees for the Littleton Graded School District shall have the same right and be charged with the same duties as the board of commissioners are now for holding municipal elections for the town of Littleton, except wherein it is inconsistent with this act: *Provided*, the board of trustees of said school district shall immediately upon the ratification of this act give at least ten days notice that there will be an entire new registration of the voters of the said school district to begin immediately at the expiration of the said notice and to continue until Saturday at twelve o'clock preceding the election day; to be conducted under the rules and regulations prescribed by law in municipal elections in the town of Littleton. Those qualified voters approving the issue of bonds provided for in section two, and the levy and collection of the particular taxes provided for in section six of this act, shall deposit a ballot containing the printed words "For Schools," and those disapproving same shall deposit a printed ballot containing the words "Against Schools." If a majority of said voters shall vote for schools, it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid board of graded school trustees the authority to issue said bonds, and authority to levy said particular tax, and said board of trustees shall have such authority. But if a majority of said qualified voters shall vote against schools, then said trustees shall not have such authority. The result of said election duly ascertained in accordance with law shall be enrolled among the public records of the counties of Warren and Halifax, and after twenty days from date of the election shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of the said qualified voters shall fail to vote in favor of issuing said bonds, and of the levying of said particular tax, said board of trustees shall order another election at any time after the expiration of the thirty days from the date of the former election, when requested to do so by a petition to said trustees by a test of one hundred qualified voters in said school district; and if at such election a majority of such qualified voters shall vote for schools, it shall have the same force and effect as if no election had been previously held: *Provided*, that as many as four different elections may be held under this bill as above provided for the second election as to time.

Notice of election.

Law governing elections.

Rights and duties of trustees.

Proviso: new registration.

Ballots.

Effect of election.

Record of result.

Proviso: further election.

Proviso: four elections.

Trustees.

Sec. 9. That S. G. Daniel, M. E. Newsom, E. B. Perry, C. G. Moore, J. J. Myrick, E. C. Bobbitt, J. W. Hudson, Eugene Johnston, and J. C. Sessoms are hereby appointed trustees of the said graded school, constituting the board of graded school trustees as herein provided. The first three shall hold office until first Tuesday in July, one thousand nine hundred and fourteen; the next three shall hold office until first Tuesday in July, one thousand nine hundred and seventeen; the next three shall hold office until first Tuesday in July, one thousand nine hundred and nineteen, and their successors, elected as hereinafter provided, shall hold office for six years. The vacancies occurring by reason of the expirations of the term of office of said trustees shall be filled by a majority vote of the other members of such board of graded school trustees holding over. The vacancies shall be filled, if at all, at regular meetings on first Tuesday in July of the year in which such term expires: *Provided*, that the position of trustees shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of this State.

Terms of office.

Vacancies.

Proviso: trustees not officers.

Incorporation.

Sec. 10. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate, by the name and style of "The Board of Graded School Trustees for Littleton Graded School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, hold by purchase or devise, real and personal property, hold, exchange, mortgage, or sell the same, and exercise such other rights and privileges as are incident to other corporations; and said corporation shall have a corporate seal, wherein it may change at pleasure.

Corporate name.

Corporate powers.

Trustees to establish schools.

Sec. 11. That it shall be the duty of said board of graded school trustees to establish graded public schools for the white and colored children of said graded school district; and said board of trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as may be deemed just to both races, providing equal facilities for each, due regard being paid, however, to the difference in cost of maintaining said school: *Provided*, that all donations to said school shall be applied as directed by the donors.

Proviso: donations applied as directed.

Exclusive control of schools.

Sec. 12. That said board of graded school trustees shall have exclusive control of all public schools in said public school district, free from the supervision and control of the county board of school directors and county superintendent of schools of Warren and Halifax counties; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of said school district, and shall exercise

Rules and regulations.

Officers and teachers.

School census.

such other powers as may be necessary for the successful control and operation of said graded schools: *Provided further*, that the treasurer of the counties of Warren and Halifax shall, whenever the schools hereinbefore provided for shall open, pay over to the treasurer of the Littleton Graded School District all funds of said school district then in their hands or which may hereafter come into their hands. Proviso: apportionment from general funds.

Sec. 13. That all public school funds derived from the State, and the counties of Warren and Halifax, for the use and benefit of the public school in said graded school district shall be paid over to the treasurers of the counties of Warren and Halifax for the use and benefit of the graded public schools in the said graded school district. And the property, both real and personal, of the public school district embraced within the limits of said graded school district, and the title thereto, shall be vested in said board of trustees, in trust thereafter; said board of trustees may in their discretion sell the same or any part thereof, and apply the proceeds to the use of public graded schools to be established in said graded school district. School money. School property vested in trustees. Power of sale.

Sec. 14. That said board of graded school trustees shall elect annually, at least thirty days before the opening of the fall term of said school, a superintendent, who shall supervise the graded public schools of said school district and exercise such other powers and discharge such other duties as said board of trustees may prescribe. And all teachers shall be elected annually, at least thirty days before the opening of the fall term of said schools. Election of superintendent. Election of teachers.

Sec. 15. That said board of graded school trustees are hereby authorized, in their discretion, to fix the curriculum of studies and to adopt text-books for said graded schools; to provide for further instructions other than that indicated in the prescribed course, and to fix the rate of tuition to be charged, and to admit pupils residing without the limits of said school district, upon such terms as the said board of trustees may deem just and reasonable. Curriculum and text-books. Advanced studies. Rate of tuition. Nonresident pupils.

Sec. 16. That it shall be the duty of the board of graded school trustees to make to the superintendents of schools for the counties of Warren and Halifax, annually, after the close of each school year, a full report of the operation of the public graded school of said graded school district. Reports.

Sec. 17. That the several boards of school trustees having authority under the general school laws of the State shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis. Apportionment of school funds.

Sec. 18. That all laws and clauses of laws in conflict with this act, especially all laws and clauses of laws requiring notice in a different manner and for a longer time for new registration for holding the election, and manner of keeping open the registration Repealing clause.

books, and the time thereof, are hereby repealed in so far as they affect or may affect the election provided for in this act.

Sec. 19. That this act shall be in force and effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 113.

AN ACT TO INCORPORATE CARY HIGH SCHOOL DISTRICT, CARY TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Boundaries of district.

Section 1. That District Number Two, Cary Township, Wake County, North Carolina, which is described and bounded and includes the territory lying within the following boundary lines: Beginning at the northwest corner of Sam Wilder's land, thence east with Wilder's line to J. C. Matthews' line; thence with Matthews' line, around his land, to Wilder's line; thence south with Wilder's line to Mrs. Cotton's line; thence with Mrs. Cotton's eastern line to the Durham and Raleigh Road; thence with said road to the township line between Cary and House Creek townships; thence south with said township line to the Central Highway leading from Cary to Raleigh; thence west with said highway to J. P. Olive's northeast corner; thence south with said Olive's line to Bashford's western line; thence south with Bashford's line to E. O'Daniel's western line at Walnut Creek; thence south with said O'Daniel's western line to the road near said O'Daniel's; thence in a western direction with said road to the northwest corner of L. B. Woodall's land in Templeton's line; thence south with Templeton's line to Cary Township line; thence in a northwestern direction with said township line to Mrs. P. Y. Spence's old line; thence with Mrs. Spence's south, east, and north lines to the township line between Cary Township and White Oak Township; thence with said township line down Crabtree Creek to the Central Highway bridge at Morrisville; thence with said highway in a southeastern direction to E. B. Crow's line; thence following said Crow's northern line to H. F. Stansy's line; thence with Stansy's north line to W. P. Stone's north line; thence with Stone's north line in an eastern direction to W. D. Jones' northwest corner; thence with Jones' north line to W. G. Crowder's line; thence with Crowder's north line to Sam Wilder's line; thence with Wilder's line to the beginning, be and the same is hereby incorporated under the name and style of Cary High School District, Wake County, North Carolina, and is hereafter to be known and styled as such. The above described territory includes the lands of all of the above named parties and the lands of all others lying and being within the lines herein described.

Incorporation.

Corporate name.

Lands included.

Sec. 2. Any person or persons whose lands are contiguous to the above described territory may be admitted into the said district with all privileges and be subject to the same taxes as those residing within the district as aforesaid in the same manner provided by section four thousand one hundred and fifteen, chapter ninety-five of the Revisal of one thousand nine hundred and five, and the acts of the General Assembly amendatory thereto, providing for admission into special school-tax districts. Admission of contiguous territory.

Sec. 3. That the county board of education of Wake County, North Carolina, upon the ratification of this act, shall appoint a board of trustees for said district consisting of three members, who shall be resident freeholders of the said district, who shall hold their office, have the same powers and duties in regard to the schools of said districts and be appointed thereto in like manner as district school committeemen are appointed by the said board of education under the general school law of North Carolina and the acts of the General Assembly amendatory thereto. Appointment of trustees.

Sec. 4. Any vacancy occurring in the said board of trustees from any cause, the successors to the said trustees shall be appointed by the Board of Education of Wake County in the same manner as in the case of district school committeemen. Vacancies.

Sec. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 114.

AN ACT TO PERMIT CARY HIGH SCHOOL DISTRICT IN WAKE COUNTY TO VOTE $25,000 OF BONDS.

The General Assembly of North Carolina do enact:

Section 1. That a majority of the trustees of the Cary High School District, in Wake County, North Carolina, be and is hereby authorized and empowered to petition the Board of County Commissioners of Wake County, North Carolina, to call an election in said district at a time and place to be specified by them to determine the question, "Shall the Cary High School District, in Wake County, issue twenty-five thousand dollars of the bonds of said district, with interest coupons attached, to build a high school building in said district?" Petition for election. Question to be voted on.

Sec. 2. That upon said request of a majority of the trustees, as aforesaid, it shall be the duty of the said board of county commissioners of Wake County to order an election to be held in said district, at such time and place as may be specified in said re- Election to be ordered.

quest, to determine the question, "Shall the Cary High School District, in Wake County, issue twenty-five thousand dollars of the bonds of the said district, with interest coupons attached, to build a high school building in said district?" That said board of county commissioners shall, at least thirty days preceding such election, give notice of said election and purpose thereof, by publication in one or more newspapers published in said county and at such other places as may be determined upon by it.

Advertisement of election.

Law governing election.

Sec. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper: *Provided further*, that said board of county commissioners shall appoint a registrar and judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of county commissioners at its first regular meeting next following the election, and said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

Proviso: new registration.

Proviso: election officers.

Count and return of votes.

Canvass and record of returns.

Ballots.

Sec. 4. That at said election the ballots tendered and cast shall have written or printed upon the same "For School Bonds" or "Against School Bonds," and all qualified electors who favor the issue of bonds shall vote a ticket on which shall be written or printed the words "For School Bonds," and all qualified electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the words "Against School Bonds."

Bonds issued by majority of votes cast.

Denominations.

Amount.

Interest.

Maturity.

Sec. 5. That if a majority of the votes cast in said election shall be "For School Bonds," and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Wake County to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed twenty-five thousand dollars, which said bonds shall bear a rate of interest not to exceed six per cent per annum, with interest coupons attached payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of

issue, as the said board of county commissioners of Wake County may determine; that said bonds and coupons attached thereto shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and that said bonds shall have upon them the seal of the county; that said bonds shall be styled bonds to build a high school building in Cary High School District of Wake County. Authentication. Entitlement.

Sec. 6. That upon the preparation, signing, and executing of said bonds, said board of county commissioners shall deliver the same to the treasurer of the school fund in Wake County, who shall sell said bonds at such times and in such manner as the said board of education for Wake County may direct; that none of the said bonds or the proceeds thereof shall be used by said board of education for any other purpose than that provided by this act; that said bonds shall be numbered consecutively, and the coupons attached shall bear the numbers of the bonds to which they are attached. The bonds and coupons shall state the time, place, when they are due and where payable, and by what authority they were issued. The said board of education for Wake County shall record all the proceedings in respect to said bonds in the minutes of its meeting, and, when sold, the numbers of the bond or bonds, the denominations, to whom sold and the number of coupons attached. Sale of bonds. Sale below par forbidden. Record of bonds.

Sec. 7. That when said bonds are issued and sold, the proceeds thereof shall be deposited with the treasurer of the school fund for Wake County, and the same shall be expended by said board of education in such manner and for such purposes in the building and equipment of a public high school building in said district and in the maintenance of said high school as a majority of the trustees herein mentioned shall direct, and no other; that the said treasurer of the board of education shall keep said funds provided for in this act which may come into his hands separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duties in this respect the said treasurer shall execute an official bond, payable to the State of North Carolina for the use of said trustees in the usual manner, in such an amount as the board of county commissioners may direct. Deposit of proceeds. Specific appropriation. Funds and account kept separate. Bond of treasurer.

Sec. 8. When said bonds shall have been issued the board of county commissioners of Wake County shall levy annually on the first Monday in June a tax not exceeding twenty (20) cents on the hundred dollars of the property and sixty (60) cents on the poll in said Cary High School District of Wake County to provide for the payment of the interest upon the same and to create a sinking fund sufficient to meet the payments of said bonds at their maturity. The tax so levied shall be collected as other taxes and shall be kept by the treasurer of the school fund as a separate fund, and shall be applied, first, to the payment of the interest Special tax. Limit of rate. Collection of tax. Specific appropriation.

upon said bonds; secondly, to the creation of a sinking fund as aforesaid; and, lastly, to the maintenance of said public Cary High School. The said treasurer of the school fund shall be commissioner of the sinking fund for said bonds, and it shall be his duty to keep said fund invested in some safe security or bond; said commissioner of the sinking fund shall be required to execute such bond as the board of education shall direct for the safe keeping of said fund, and the faithful performance of his duties as commissioner, and he shall make such reports from time to time as the board of education or the trustees herein mentioned may direct.

Commissioner of sinking fund.

Commissioner to give bond.

Reports.

Present taxes not rescinded.

Sec. 9. That this act shall not be construed to release or to repeal or in any manner interfere with any annual tax heretofore voted by said district for school purposes.

Application of act.

Sec. 10. That this act shall apply only to the Cary High School District in Wake County.

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 115.

AN ACT TO AUTHORIZE THE COMMITTEE OF MATTHEWS SCHOOL, No. 2, OF MORNING STAR TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the committee of Matthews School, District Number Two, and the committee of Matthews High School, of Morning Star Township, Mecklenburg County, State of North Carolina, shall be and remain a body corporate under the name of the Board of Trustees of Matthews School, and may adopt and use a common seal, and the members thereof shall be chosen or appointed in the manner provided by law for the appointment of high school and public school committees; that said corporation shall be invested with all the property, real and personal, and all rights, privileges, and powers now owned, held, and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon, the committees of Matthews School District, Number One, and Matthews High School, by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging, and transferring the same for school purposes, and of prosecuting and

Corporate name.

Election of committeemen.

Property, rights, privileges, and powers.

Corporate powers.

defending suits for or against the said corporation; conveyances to said board of trustees shall be to them and their successors in office, and all deeds, mortgages, and other agreements affecting real estate, and all bonds and obligations shall be deemed sufficiently executed when signed by the chairman and secretary and attested by the seal of said corporation. Conveyances, bonds, and contracts.

Sec. 2. That the said board of trustees of Matthews School is hereby authorized to issue coupon bonds not to exceed in amount the sum of fifteen thousand dollars and in denominations of one hundred dollars or multiples thereof, bearing interest from date of bonds at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July of each year, at such place as said trustees may designate, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by said board and named therein, not to be less than three nor more than twenty years from date of issuing. The said bonds and their coupons shall be numbered and the bonds shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall be signed by the chairman of said board. A record shall be kept of the said bonds, showing the numbers and denominations thereof and when the same shall mature and the interest-bearing rate thereof, the amount received from the sale of the same and the date of the payment of, and such other data in relation to the same as the board may direct to be kept. Bond issue authorized. Amount. Denominations. Interest. Maturity. Authentication. Record of bonds.

Sec. 3. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said board of trustees of Matthews School shall not deliver said bonds to the purchasers thereof until the purchase money shall be paid to the secretary or treasurer of said board, and his receipt to the purchaser produced as evidence of such payment, and the secretary or treasurer of said board of trustees of Matthews School shall receive all such moneys paid in the purchase of the bonds in his official capacity as secretary or treasurer of said board, and he and the sureties on his official bond shall be liable to account for and pay over the same, and it shall be the duty of the said board of trustees of Matthews School to see that the bond of said secretary or treasurer shall at all times be sufficient in amount, and with satisfactory sureties, to provide against any loss of money arising from the sale of such bonds, and to that end may, at any time, require said secretary or treasurer to renew his official bond in such sum and with the satisfactory surety as they may require, and in default thereof, to remove him from his office as secretary and treasurer. Sale below par and delivery before payment forbidden. Treasurer liable on bond. Bond of secretary-treasurer.

Sec. 4. That the secretary or treasurer of said board of trustees of Matthews School shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by Proceeds of bonds kept separate. Specific appropriation.

the said board in the purchase of land for school sites, in erecting suitable buildings, in furnishing the same with all the necessary equipment, and for such other school purposes as the board of trustees of Matthews School may order the same to be disbursed.

Compensation for secretary or treasurer.

Sec. 5. That the said board of trustees of Matthews School shall have power to fix the compensation for the secretary or treasurer for performing the duties conferred upon him by this act.

Sinking fund.

Sec. 6. That it shall be the duty of said board of trustees of Matthews School to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to Matthews School District, Number One, a sufficient sum for this purpose.

Interest.

Sec. 7. That it shall be the duty of said board of trustees of Matthews School to provide each year for the payment semiannually of the interest on said bonds, and for that purpose to set apart each year from the special-tax fund for said district a sufficient sum to pay the same.

Investment of sinking fund.

Sec. 8. That it shall be the duty of the board of trustees of Matthews School to invest or loan such moneys out of the special-tax fund for said district each year as may be set apart and deemed sufficient for the purpose of meeting and retiring said bonds at maturity.

Additional special tax.

Sec. 9. That for the purpose of providing for the payment of the semiannual interest on said bonds, and for the purpose of creating a fund to redeem and retire said bonds as the same may mature, the county commissioners of Mecklenburg County, North Carolina, shall annually, at the time of levying taxes for State and county purposes, levy a special tax in addition to the special tax now and heretofore levied for said district, not to exceed the sum of ten cents on each hundred dollars valuation of property in said district, and a sum not to exceed thirty cents on each poll in said district; which said special tax shall be used in connection with and in addition to the special tax now and heretofore levied on the property of said district, and on each poll of said district, for the purposes of this act, as heretofore set forth; and said additional special tax shall be collected and paid over in the same manner as the special tax now and heretofore levied on the property of said district, and on each poll of said district, and the special tax now and heretofore levied and the additional special tax provided for in this act shall continue one fund.

Limit of rate.

Collection.

Act submitted to voters.

Time for election.

Advertisement of election.

Sec. 10. That this act shall be submitted to the qualified voters in Matthews School District, Number Two, for their ratification or rejection, at an election to be held in the town of Matthews at such time as the board of commissioners of Mecklenburg County shall designate, within twelve months after the ratification of this act. That said election shall be advertised by the

board of commissioners for thirty days prior to the day of election in three or more places in said school district, and the election shall be held under the rules, regulations, and directions existing under section four thousand one hundred and fifteen of the Revsal of one thousand nine hundred and five, Laws of North Carolina, for voting special tax in school districts. The board of county commissioners shall appoint a registrar and two poll-holders and shall order a new registration for said district, and the election shall be held in said district under the laws governing general elections, as near as may be. At said election those who are in favor of issuing said bonds shall vote "For Bonds," and those who are opposed shall vote "Against Bonds," on written or printed ballot. The ballot cast for and against shall be counted and the results of the election certified and returned to the Register of Deeds of Mecklenburg County, who shall furnish the chairman of said board of Matthews School a certified copy of said return under seal, who shall file the same in his office. If, at the election, a majority of the qualified voters shall vote for bonds, then the said board of trustees shall proceed at once to issue and sell said bonds, or so many thereof as may be necessary, in the judgment and discretion of the said board, for the purposes aforesaid.

Law governing election.

Election officers.

New registration.

Ballots.

Count and return of votes.

Issue of bonds on majority of qualified vote.

Sec. 11. That all laws and parts of laws in conflict with this act are hereby repealed in so far as they relate thereto.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 116.

AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Washington shall have the power and authority to lay, build, and construct a system of sewerage and sewer pipes for said city, and to protect and regulate the same by adequate ordinances, and in order to obtain proper outlets to said system extend the same beyond the corporate limits of said city; and if in the construction, extension, or maintenance of said system and the outlets thereof it shall become necessary to acquire lands, rights of way, and easements, both within and without the corporate limits of said city, said board shall have the power to condemn the same in the same manner as is now provided by law for the condemnation of land for streets.

Sewer system.

Extension beyond city.

Power to condemn land.

Sewer rentals.

Sec. 2. That said board of aldermen of the city of Washington shall have the power to charge and collect a sewer rental in such reasonable amount and collectible at such periods as the said board may prescribe for use of said sewer, said rental to be based on the number of sinks and closets connected with the sewer; and may charge and collect such reasonable amount for connecting with said sewer as said board may prescribe; and the said sewer rental and charge for connection, if not paid, shall become a lien upon the property with which connections are made, and may be collected in the same way as unpaid taxes and with the same costs and penalties.

Charges for connections.

Lien on property.

Waterworks.

Sec. 3. That the board of aldermen of the city of Washington shall have power to either buy, build, or construct and maintain a system of waterworks for said city, and to protect and regulate the same by adequate ordinances, and may establish the plant of said waterworks either in or outside the corporate limits of said city of Washington, and may acquire, by purchase or condemnation, all necessary land, rights of way, and easements, both in or outside the corporate limits of the city of Washington, said condemnation proceedings to be conducted as is now provided by law for the condemnation of land for streets.

Location of plants.

Power to condemn land.

Condemnation proceedings.

Water rents.

Sec. 4. That said board of aldermen of the city of Washington shall have power and authority to charge and collect such rental for the use of said waterworks as may be reasonable and just; and may prescribe the time when same shall be paid and enforce their regulations by proper ordinances; and said water rental, if not paid, shall become a lien upon the property to which it is furnished, and may be collected in the same way as unpaid taxes and with the same costs and penalties.

Lien on property.

Fire-alarm system.

Sec. 5. That said board of aldermen of the city of Washington shall have full power and authority to buy, build, and install in said city a complete fire-alarm system, and shall have power and authority to add to or in any manner build an extension to the present electric light plant, in said city of Washington, as it may deem wise.

Electric light plant.

Purposes of bond issue.

Sec. 6. That for the purposes above described, to wit, the installation of a sewer system and the buying or building of a waterworks plant, the installation of a fire-alarm system, and extending the present electric light plant, or any one or more of said purposes, the said board of aldermen of the city of Washington are fully authorized and empowered to issue coupon bonds, under the corporate and official seal of said city of Washington, in an amount not to exceed one hundred and fifty thousand dollars ($150,000) in the principal, which said bonds shall bear interest from date of issue at the rate of five per cent per annum, to be due and payable semiannually on the first days of January and July of each year. The principal and interest of said bonds shall

Bond issue authorized.

Amount.

Interest.

Current funds.

be payable in the current funds of the United States Government, at such place or places as the board of aldermen of said city may direct. All said bonds shall be issued in denominations of one hundred dollars and multiples thereof, no one bond to be for less than the sum of one hundred dollars or for more than one thousand dollars ($1,000). Said bonds shall be dated at such time as said board may direct. All said bonds shall be numbered, and shall be signed by the mayor of the city and countersigned by its clerk, and have the corporate seal of said board of aldermen attached, and the coupons shall be signed by the mayor of said city, although a lithographed copy of the mayor's signature shall be a sufficient signing of said coupons. A record shall be kept of said bonds, showing the numbers and denominations thereof, and to whom sold, and the date of issue, and maturity of each bond, and the amount received from the sale thereof. Said bonds shall be sold under such regulations and in such manner as said board of aldermen may direct; but none of said bonds shall be sold for less than the par value thereof, and the proceeds derived from the sale thereof shall be applied to the purposes herein declared. Upon sale of said bonds or any part thereof said board of aldermen may in its discretion require of the city treasurer a special bond in such sum as the said board may direct, not exceeding, however, the amount of bonds issued, conditioned for the faithful accounting and payment of, according to this act, the proceeds of the sale of said bonds; and the said board may require from its treasurer an increased bond, if they see fit, to protect the revenue received to pay the interest on said bonds.

Denomination.

Authentication.

Record of bonds.

Sale below par forbidden.

Specific appropriation of proceeds.

Bond of city treasurer.

Sec. 7. The principal of all of said bonds sold under the provisions hereof shall be due and payable on the first day of January, one thousand nine hundred and sixty-three.

Maturity of bonds.

Sec. 8. To provide for the payment of said bonds and the interest on same as it may accrue and become due, said board of aldermen shall levy an annual and special tax on the polls, personal and real property, and other subjects of taxation in said city, sufficient to pay the interest, semiannually, on said bonds; and to create a sinking fund into which shall annually be paid a sum sufficient to pay off said bonds at maturity. All said special taxes shall be collected from the polls, personal and real property, and other subjects of taxation of said city, in the same manner as other taxes of said city are levied and collected. Said special taxes shall be applied, when levied and collected, strictly to the payment of the interest on said bonds, and also to the annual payment into the sinking fund of a sufficient sum to pay off said bonds at maturity, and to no other purpose; and it shall be a misdemeanor, punishable by fine or imprisonment, in the discretion of the court, for any officer of this city or other person to misapply or divert said special taxes from the purposes required for by this act.

Special tax.

Collection.

Application of tax.

Diversion of funds misdemeanor.

Bond issue to be voted on.

Sec. 9. That the board of aldermen of the city of Washington shall not issue the aforesaid bonds, nor any of them, nor levy any taxes or collect the same, until it shall have been authorized to do so by the vote of a majority of the qualified electors of the said city of Washington at an election to be held at such time and place as said board of aldermen may appoint, of which election notice shall be given by public advertisement for thirty days prior to the day of election in some newspaper published in the city of Washington. Said notice shall specifically and fully state the amount of bonds to be issued, and the purposes for which same are to be issued, in manner and form as follows, viz.:

Advertisement of election.

Notice of purpose.

Sewer and waterworks.

(*a*) The amount to be used for the purpose of establishing a sewer system and building or buying a waterworks plant.

Fire-alarm.

(*b*) The amount to be used for the purpose of establishing a fire-alarm system.

Electric light plant.

(*c*) The amount to be used for the purpose of building to or adding an extension to the electric light plant.

Ballots.

At such election those electors favoring the issue of bonds for the purpose of establishing a sewer system and buying or building a waterworks plant shall vote a ballot on which shall be written or printed the words "For Sewerage and Waterworks," and such of said electors as shall be opposed to issuing bonds for the purpose of establishing a sewer system and buying or building a waterworks plant shall vote a ballot on which shall be written or printed the words "Against Sewerage and Waterworks"; and such electors as shall favor the issuing of bonds to install a fire-alarm system shall vote a ballot on which shall be written or printed the words "For Fire-alarm System," and those opposing the issue of bonds for said purpose shall vote a ballot on which shall be written or printed the words "Against Fire-alarm System"; and such electors as shall favor the issuing of bonds for the purpose of extending, increasing, or adding to the present electric light plant shall vote a ballot on which shall be written or printed the words "For Extension of Electric Light Plant," and such as shall oppose the issuing of bonds for said purpose shall vote a ballot on which shall be written or printed "Against Extension of Electric Light Plant." The said election shall be held as nearly as is practicable in the manner prescribed by law for the holding of the regular municipal election for the election of the mayor and board of aldermen of said city of Washington. The original returns of the election shall be made by the election officials, or one of their number appointed by them for that purpose, to the board of aldermen of said city, and the said board of aldermen shall, within three days after said election, canvass the said returns and declare the result of the election, and the result of said election shall be inscribed upon the records of said city of Washington. And if at such election a majority of the qualified voters of said city shall cast their ballots in favor of the issuing of bonds, as afore-

Law governing election.

Returns.

Canvass of returns.

Record of result.

Effect of election.

said, then the said bonds shall be issued under the terms of this act, and the proceeds from the sale of the same shall be applied as is herein provided for; and if at said election a majority of the qualified voters of said city shall fail to vote in favor of issuing said bonds, then said board of aldermen may at any time they deem proper, not oftener than once a year, order another election on said question, to be held as nearly as is practicable under the same rules and regulations as hereinbefore set out, and upon the same advertisement or notice as is hereinbefore required; and if at any such election a majority of the qualified voters of said city shall cast ballots in favor of the issuing of said bonds, then the same shall be issued under the terms of this act, and the proceeds from the sale thereof shall be applied as is herein provided for. Said board of aldermen may call an election, as herein provided. for the purpose of having the electors of said city vote upon the issuing of bonds for all of the purposes above named, or for one or more of said purposes, as in their judgment shall be wise. But no person who shall buy any of said bonds issued under this act shall be required to see that the money derived therefrom shall be applied to the purpose for which issued. The said board of aldermen may, in its discretion, order a new registration of voters, and the majority of the votes so registered shall authorize and empower the said board to issue the bonds and levy the taxes as aforesaid.

Further elections.

Issues submitted singly.

No obligation on purchasers of bonds.

New registration optional.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 117.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seventy-seven of the Private Laws of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby amended by striking out the whole of section one and substituting therefor the following: "That the corporate limits of the town of Laurinburg shall be as follows: Beginning at the center of the Seaboard Air Line Railway, formerly known as the Carolina Central Railroad, where Main Street of said town crosses said railroad, and running from said point one mile north, south, east, and west, so as to form a square, with said beginning point as the center, except as herein provided: *Provided*, that the said boundaries shall include the lands of the Dickson Cotton Mill and the lands conveyed by J. D.

Corporate limits.

Proviso; lands included.

Bizzell and others to the said town of Laurinburg, and that the
Eastern boundary. eastern boundaries of said town shall be as follows: Running from the point of intersection of the southeastern side or line of said town as hereinbefore defined, and the line of the lands of the Dickson Cotton Mill aforesaid, eastward, following the boundaries of the said lands of the said Dickson Cotton Mill to the southern corner of said lands, a corner of the lands conveyed by J. D. Bizzell and others to said town of Laurinburg; thence with the boundaries of said lands south twenty-two degrees east seven hundred and forty-five feet to W. R. McEachin's line; thence north sixty-four and three-fourths degrees east with his line five hundred and forty feet to his corner; thence as his line north thirty-seven and three-fourths degrees east three hundred and twelve feet to the run of Leith's Creek; thence up the various courses of the run of said creek to the boundaries of said town as hereinbefore set out:
Proviso: territory not included. *Provided further*, that the territory within the boundaries established by chapter twenty-two, Private Laws of North Carolina, session one thousand nine hundred and nine, as the corporate limits of the town of East Laurinburg shall not be included within the boundaries herein established."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 118.

AN ACT TO AMEND CHAPTER 38 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1897.

The General Assembly of North Carolina do enact:

Power to condemn land. Section 1. That chapter thirty-eight of the Private Acts of North Carolina, ratified the eighteenth day of February, one thousand eight hundred and ninety-seven, be and the same is hereby amended as follows: By adding an enabling clause in said act, after the enacting clause, and before "section one," the following:

"Section A. That the board of commissioners of the town of Mocksville, Davie County, North Carolina, shall have the power and authority to condemn land for streets, sidewalks, drainage, stations for electric lights, and for other purposes, within the corporate limits of said town."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 119.

AN ACT TO INCORPORATE THE TOWN OF NORLINA, IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Norlina, in the county of Warren, be and the same is hereby incorporated under the name and style of "Norlina"; that the said town shall be subject to all provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, and all the provisions of said chapter not inconsistent with the provisions of this act are hereby made a part of it. Town incorporated. Corporate name. Subject to general law.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the depot of the Seaboard Air Line Railroad as center, and running thence four straight lines north, east, south, and west, respectively, each one-half mile long, and the corporate limits of said town be confined within a square included within four lines running at right angles to said lines and extending each way until they intersect each other respectively. Corporate limits.

Sec. 3. That the officers of said incorporation shall consist of a mayor and three commissioners, to enforce their ordinances, keep their records, and otherwise aid in the conduct of the affairs of the town; that until Tuesday after the first Monday of May, one thousand nine hundred and thirteen, L. H. Hawks is appointed mayor of said town and W. E. Pratt, W. G. Hall, and H. M. Terrell are appointed commissioners thereof; and a constable, clerk, and treasurer, to be chosen by the board of commissioners immediately after its organization. That the said officers named in this act shall hold their offices until their successors are elected and qualified as hereinafter provided. Town officers. First officers named.

Sec. 4. That there shall be an election held for the offices of mayor and commissioners of said town on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, under the same restrictions and regulations under which State and county elections are held, and as provided by law for elections in cities and towns in North Carolina. Town elections.

Sec. 5. That the said commissioners shall have the power to pass all by-laws, rules, and regulations for the good government of the town not inconsistent with the laws of the State and the United States, and levy and collect a tax on all subjects of State taxation, not to exceed seventy-five cents on the one hundred dollars valuation of property: *Provided*, that the basis between persons and property shall be the same as established by the Constitution of the State. Powers of commissioners. Tax rate. Proviso: constitutional equation.

Officers to qualify.

Sec. 6. That it shall be the duty of the officers named, within ten days after the ratification of this act, to take the proper oaths of office and enter upon the duties as such officers.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 120.

AN ACT TO AUTHORIZE THE COMMITTEE OF PINEVILLE SCHOOL, No. 1, OF PINEVILLE TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the committee of Pineville School, District Number One, and the committee of Pineville High School of Pineville Township, Mecklenburg County, State of North Carolina, shall be and remain a body corporate under the name of the Board of Trustees of Pineville School, and may adopt and use a common seal, and the members thereof shall be chosen or appointed in the manner provided by law for the appointment of high school and public school committees; that said corporation shall be invested with all the property, real and personal, and all rights, privileges, and powers now owned, held, and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon, the committees of Pineville School, District Number One, and of Pineville High School, by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging, and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation; conveyances to said board of trustees shall be to them and their successors in office, and all deeds, mortgages, and other agreements affecting real estate, and all bonds and obligations, shall be deemed sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Corporate powers.

Election of committeemen.

Property, rights, privileges, and powers vested.

Corporate powers.

Conveyances and contracts.

Bond issue authorized.
Amount.
Denomination.
Interest.

Sec. 2. That the said board of trustees of Pineville School is hereby authorized to issue coupon bonds not to exceed in amount the sum of twenty thousand dollars, and in denominations of one hundred dollars or multiples thereof, bearing interest from date of bonds at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July

of each year, at such place as said trustees may designate, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by said board and named therein, not to be less than three nor more than forty years from date of issuing. The said bonds and their coupons shall be numbered and the bonds shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall be signed by the chairman of said board. A record shall be kept of the said bonds, showing the numbers and denominations thereof and when the same shall mature and the interest-bearing rate thereof, the amount received from the sale of the same, and the date of the payment of, and such other data in relation to, the same as the board may direct to be kept.

Maturity.

Authentication.

Record of bonds.

Sec. 3. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said board of trustees of Pineville School shall not deliver said bonds to the purchasers thereof until the purchase money shall be paid to the secretary or treasurer of said board, and his receipt to the purchaser produced as evidence of such payment, and the secretary or treasurer of said board of trustees of Pineville School shall receive all such moneys paid in the purchase of the bonds in his official capacity as secretary or treasurer of said board, and he and the sureties on his official bond shall be liable to account for and pay over the same, and it shall be the duty of the said board of trustees of Pineville School to see that the bond of said secretary or treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of such bonds, and to that end may, at any time, require said secretary or treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as secretary and treasurer.

Sale below par and delivery before payment forbidden.

Treasurer liable on bond.

Renewal of bond.

Sec. 4. That the secretary or treasurer of said board of trustees of Pineville School shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the purchase of land for school sites, in erecting suitable buildings, in furnishing the same with all the necessary equipment, and for such other school purposes as the board of trustees of Pineville School may order the same to be disbursed.

Money kept separate.

Specific appropriation.

Sec. 5. That the said board of trustees of Pineville School shall have power to fix the compensation for the secretary or treasurer for performing the duties conferred upon him by this act.

Pay of secretary or treasurer.

Sec. 6. That it shall be the duty of said board of trustees of Pineville School to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set

Sinking fund.

apart each year from the taxes collected in or moneys apportioned to Pineville School, District Number One, a sufficient sum for this purpose.

Payment of interest.

Sec. 7. That it shall be the duty of said board of trustees of Pineville School to provide each year for the payment semiannually of the interest on said bonds, and for that purpose to set apart each year from the special-tax fund for said district a sum sufficient to pay the same.

Investment of sinking fund.

Sec. 8. That it shall be the duty of the board of trustees of Pineville School to invest or loan such moneys out of the special-tax fund for said district each year as may be set apart and deemed sufficient for the purpose of meeting and retiring said bonds at maturity.

Additional special tax.

Sec. 9. That for the purpose of providing for the payment of the semiannual interest on said bonds, and for the purpose of creating a fund to redeem and retire said bonds as the same may mature, the county commissioners of Mecklenburg County, North Carolina, shall annually, at the time of levying taxes for State and county purposes, levy a special tax in addition to the special tax now and

Limit of rate.

heretofore levied for said district, not to exceed the sum of fifteen cents on each hundred dollars valuation of property in said district and a sum not to exceed forty-five cents on each poll in said district, which said special tax shall be used in connection with and in addition to the special tax now and heretofore levied on the property of said district, and on each poll of said district, for the purposes of this act, as heretofore set forth; and said additional special tax shall be collected and paid over in the same manner as the special tax now and heretofore levied on the property of said district, and on each poll of said district, and the special tax now and heretofore levied and the additional special tax provided for in this act shall constitute one fund.

Act submitted to voters.

Sec. 10. That this act shall be submitted to the qualified voters in Pineville School District, Number One, for their ratification or

Time of election.

rejection at an election to be held in the town of Pineville at such time as the board of commissioners of Mecklenburg County shall designate, within twelve months after the ratification of this act.

Advertisement of election.

The said election shall be advertised by the board of commissioners for thirty days prior to the day of election in three or more places

Law governing election.

in said school district, and the election shall be held under the rules, regulations, and directions existing under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, Laws of North Carolina, for voting special tax

Election officers.

in school districts. The board of county commissioners shall

New registration.

appoint a registrar and two poll-holders and shall order a new registration for said district, and the election shall be held in said district under the laws governing general elections, as near as

Ballots.

may be. At said election those who are in favor of issuing the said bonds shall vote "For Bonds," and those who are opposed

shall vote "Against Bonds," on written or printed ballot. The ballots cast for and against shall be counted and the results of the election certified and returned to the Register of Deeds of Mecklenburg County, who shall furnish to the chairman of said board of Pineville School a certified copy of said return under seal, who shall file the same in his office. If, at the election, a majority of the qualified voters shall vote for bonds, then the said board of trustees shall proceed at once to issue and sell said bonds, or so many thereof as may be necessary, in the judgment and discretion of said board, for the purposes aforesaid.

Count and return of votes.

Bonds issued on majority of qualified voters.

Sec. 11. That all laws and parts of laws in conflict with this act are hereby repealed in so far as they relate thereto.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 121.

AN ACT TO AMEND THE CHARTER OF HOWARD RELIEF COMPANY.

Whereas the "Howard Relief Company" has been and is composed largely of Germans and the descendants of Germans, and as the organization has been and is now generally recognized as a German body, and the members therefore being desirous to change the style and name of the organization in accordance therewith; and whereas the members at a regular meeting held on Monday, the third of February, one thousand nine hundred and thirteen, of which meeting and the proposed change all members had been notified; and whereas they, by resolution then offered and unanimously adopted, decided to change the name of the organization by striking out the words "Howard Relief Company" and by inserting and substituting therefor the words "Germania Club": Now, therefore,

Composition of company.

Meeting held.

Change of name adopted.

The General Assembly of North Carolina do enact:

Section 1. That the act entitled "An act to incorporate the Howard Relief Fire Engine Company in the town of Wilmington, N. C.," ratified the sixteenth day of February, one thousand eight hundred and fifty-nine, and amended by the General Assembly under an act ratified on the eighteenth day of January, one thousand nine hundred and one, the same being chapter three of the Private Laws of one thousand nine hundred and one, be and the same is hereby amended by striking out the words "Howard Relief Company" in said section one of chapter three of the Private Laws of one thousand nine hundred and one, and inserting and

Name changed.

substituting therefor the words "Germania Club," and by that name shall henceforth be known, and be able and capable in law to sue and be sued, plead and be impleaded in any court in this State, and to adopt a constitution and all such by-laws, rules, and regulations for its government as are not inconsistent with the laws of this State or of the United States.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 122.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF OXFORD TO ISSUE BONDS FOR THE IMPROVEMENT OF THE STREETS AND SIDEWALKS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Purpose of issue.

Section 1. That in order to provide for the repairing, working, and improving of the streets and sidewalks of the town of Oxford, the board of commissioners of said town are hereby authorized and empowered to issue coupon bonds, bearing interest, payable either annually or semiannually, at a rate not exceeding five per centum per annum, to an amount not exceeding ten thousand dollars, in denominations of not less than one hundred nor more than one thousand dollars, payable not more than thirty years from the date of issue; said bonds shall be signed by the mayor of said town and countersigned by the treasurer and sealed with the corporate seal of said town, and the coupons on said bonds shall bear the engraved or lithographed signature of the treasurer, and shall be made payable, both principal and interest, at such place or places as the board of commissioners of Oxford may determine; said bonds shall be sold at either public or private sale, as said board of commissioners may determine, with or without notice, and the proceeds of said bonds shall be applied for the purposes herein set out and no other, but the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money: *Provided*, that the provisions of this act in relation to the issuance of said bonds shall not become operative until approved by a majority of the qualified voters of said town in the manner hereinafter set out.

Bond issue authorized.
Interest.
Amount.
Denomination.
Maturity.
Authentication.
Sale of bonds.
Specific appropriation of proceeds.
Purchaser not liable for application.
Proviso: approval by voters.

Issued in installments or entirety.

Sec. 2. That if deemed advisable by the board of commissioners of said town, five thousand dollars only of said bonds may be issued, and the proceeds of the sale thereof be spent for said purposes in the year one thousand nine hundred and thirteen, and that five thousand dollars in amount thereof may be issued and the proceeds thereof be spent for said purposes in the year

one thousand nine hundred and fourteen, or the whole of said amount may be expended, as said board shall determine.

Sidewalks.

Sec. 3. That a part of the proceeds derived from the sale of said bonds shall be used in the laying of permanent sidewalks in said town; and it shall be the duty of the board of commissioners to require the owners of property abutting upon the sidewalks so permanently worked or improved to pay not more than one-half of the cost of laying said sidewalks; said charge against said abutting property-owner is hereby declared a lien upon said property in the same way and manner that taxes due said town are now a lien upon property in said town; it shall be the duty of the town tax collector to collect the amount or amounts charged or assessed against any property-owner on account of such improvements to the sidewalks in front of his property after written notice of thirty days, which said notice shall be given as soon as the work in front of said property shall have been completed.

Apportionment of expense.

Lien on property.

Collection of assessments.

Proceeds of bonds kept separate.

Specific appropriation.

Monthly statements.

Sec. 4. That all the proceeds from the sale of said bonds shall be kept separate and apart from all other town taxes or funds and shall only be used for the purposes herein specified, and monthly statements of the officials in charge shall be made to the board of commissioners, showing how said money has been expended, and said statements shall thereupon be spread upon the minutes of said board of commissioners.

Exemption from taxation.

Sec. 5. That all bonds and income therefrom, as herein provided for, shall be and are hereby exempt from taxation by the town of Oxford or the Oxford Graded School District for any and all purposes, when held and owned by a citizen or resident of said town.

Call and notice for election.

Sec. 6. That at any time after the ratification of this act, and after thirty days notice, the board of commissioners of Oxford are hereby authorized and empowered to call an election of the qualified voters of said town, said election to be held at the usual voting place, and to appoint the registrar and poll-holders therefor, said election to be held and the returns thereof made and canvassed, and the result declared as now provided by law for municipal elections; and at said election those who favor the adoption of the provisions of this act shall vote ballots with the words "For Street Bonds" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against Street Bonds" written or printed thereon; and if at said election a majority of the registered voters of said town shall vote ballots with the words "For Street Bonds" written or printed thereon, then the provisions of this act shall become operative and effective.

Voting places.

Election officers.

Law governing election.

Ballots.

Majority of registered voters.

New registration.

Sec. 7. That the board of commissioners of Oxford are hereby authorized and empowered to order a new registration for said election, and in all other respects said election shall be held in accordance with the provisions of law relating to elections in towns and cities.

Special tax.

Sec. 8. That if the provisions of this act shall become operative as herein provided, the board of commissioners of Oxford are hereby authorized, empowered, and directed to levy and collect

Limit of rate.

a tax on all taxable property and polls in said town, not exceeding the sum of five cents on the hundred dollars of property and not exceeding fifteen cents on the polls, to provide for the payment of the interest on said bonds as the same shall become due and to provide for a sinking fund for the payment of the principal of said bonds as they shall become due. The tax so levied shall be an *ad valorem* tax as is now or may hereafter be required by law, and shall be levied and collected in the same manner and at the same times as other taxes on property and polls in said town are levied and collected.

Levy and collection.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 123.

AN ACT TO AMEND CHAPTER 299 OF THE PRIVATE LAWS OF 1909 OF NORTH CAROLINA, ENTITLED "AN ACT TO INCORPORATE THE SALISBURY RAILWAY COMPANY."

Preamble: company organized.

Whereas the Salisbury Railway Company has been duly organized in the manner provided in chapter two hundred and ninety-nine (299) of the Private Laws of one thousand nine hundred and nine (1909) of North Carolina; and whereas the time for beginning the construction of its road and expending ten per cent (10%) of the amount of its capital thereon was extended by chapter one hundred and eighty-nine (189) of the Private Laws of one thousand nine hundred and eleven (1911) of North Carolina; and whereas said railway company desires a further extension of the time for such purposes: Now, therefore,

Preamble: former extension.

Preamble: further extension desired.

The General Assembly of North Carolina do enact:

Time extended.

Section 1. That the Salisbury Railway Company, a corporation created by chapter two hundred and ninety-nine (299), Private Laws of North Carolina, session one thousand nine hundred and nine (1909), shall have two years from the ratification of this act within which to begin the construction of its road and expend ten per cent (10%) of the amount of its capital thereon, as provided by section two thousand five hundred and sixty-four (2564) of the Revisal of one thousand nine hundred and five (1905) of North Carolina.

Acts confirmed.

Sec. 2. That all acts and things heretofore done under or by authority of the original charter of the Salisbury Railway Company, being chapter two hundred and ninety-nine (299), Private

Laws of North Carolina, session one thousand nine hundred and nine (1909), entitled "An act to incorporate the Salisbury Railway Company," and the amendment thereto, being chapter one hundred and eighty-nine (189), Private Laws of one thousand nine hundred and eleven (1911), be and the same are hereby ratified and confirmed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 124.

AN ACT TO AUTHORIZE THE TOWN OF MOUNT AIRY, NORTH CAROLINA, TO REFUND ITS INDEBTEDNESS FOR COMPLETION OF WATER AND LIGHT PLANT.

Whereas, on the first day of April, one thousand nine hundred and eight, the town of Mount Airy issued its notes or bonds to the amount of fifteen thousand dollars, bearing interest at six per cent per annum, payable semiannually, said bonds being in denominations of one thousand dollars each, and are now held by Wachovia Bank and Trust Company of Winston-Salem, North Carolina; and whereas said bonds mature the first day of April, one thousand nine hundred and thirteen; and whereas the board of aldermen of the town of Mount Airy desires to refund said indebtedness: Now, therefore, Bonds heretofore issued. Maturity.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of refunding said indebtedness evidenced by its fifteen bonds of one thousand dollars each, due and payable at Wachovia Bank and Trust Company of Winston-Salem, maturing April first, A. D. one thousand nine hundred and thirteen, the board of aldermen of the town of Mount Airy be and it is hereby authorized and empowered to issue bonds in the name of the town of Mount Airy, in such denominations and form as it may determine, to the amount of fifteen thousand dollars, payable at such time and places as the board of aldermen of said town of Mount Airy may determine: *Provided*, the time of payment of such bonds shall be not less than five nor more than thirty years from their date. Bond issue authorized. Denomination. Amount. Proviso: maturity.

Sec. 2. That said bonds shall bear interest at such rate as the board of aldermen may prescribe, not to exceed six per cent per annum, payable semiannually, and said bonds shall not be sold or hypothecated for less than their par value. Interest. Sale below par forbidden.

Sec. 3. That said bonds shall be signed by the mayor of the town of Mount Airy, attested by the secretary-treasurer of the said town and sealed with the corporate seal thereof, and shall have interest coupons attached thereto. Authentication.

Special tax.

Sec. 4. That for the purpose of paying the interest on said bonds and to provide a sinking fund to pay off said bonds at maturity, the board of aldermen is hereby authorized and empowered to levy annually and collect each year a sufficient special tax upon all property and subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of the town of Mount Airy, and in the manner and at the same time as other taxes are levied and collected under said charter: *Provided*, that the taxes levied and collected to pay interest on said bonds and to discharge said bonds at maturity shall not be used for any other purpose.

Proviso: specific appropriation.

Sale of bonds.

Sec. 5. That said bonds shall be sold at public or private sale, with or without notice, as the board of aldermen of the town of Mount Airy may determine, and the proceeds thereof, with any premiums that may be received thereon, shall be used to retire said outstanding bonds due April first, one thousand nine hundred and thirteen, and the surplus, if any, shall be paid into the general town treasury, and the purchaser of said bonds shall not be required to see to the application of the purchase money.

Bonds to be retired.

Use of surplus.

Bonds and coupons delivered up and canceled.

Sec. 6. That upon payment of said bonds, and as the same are paid, the said bonds shall be delivered up to and canceled by the treasurer of the town of Mount Airy and reported to the board of commissioners, and upon payment of the interest coupons they shall be likewise canceled and such cancellation immediately reported to the board of aldermen of the town of Mount Airy.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 125.

AN ACT TO ENABLE THE TOWN OF LAURINBURG TO FUND ITS FLOATING INDEBTEDNESS FOR NECESSARY EXPENSES OF THE TOWN AND TO AUTHORIZE THE TOWN TO LEVY TAXES TO MEET THE PAYMENT OF THE SAME.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Purpose.

Section 1. That the board of commissioners of the town of Laurinburg be and it is hereby authorized to issue bonds to the amount not exceeding the sum of seven thousand five hundred dollars, par value, for the purpose of funding the outstanding unprovided-for indebtedness of the said town of Laurinburg, contracted for the necessary expenses thereof. The said bonds authorized by this act may be either negotiable coupon bonds or registered bonds, may be in such form or denomination, may be payable, both principal and interest, in gold coin of the United

Denominations.

Gold coin.

States, at such time or times, and bear such legal rate of interest, not to exceed six per cent, as the board of commissioners of said town may determine: *Provided, however*, that the total issue of bonds authorized by this act shall not exceed at par value the sum of seven thousand five hundred dollars. The said bonds shall be signed by the mayor, countersigned by the clerk and treasurer, and sealed with the corporate seal of the town; and the coupons, if any, on said bonds shall bear the lithographed signature of the treasurer or be signed by his own proper handwriting, as the board of commissioners may determine. The said bonds shall be sold at either public or private sale, as the board of commissioners may determine, with or without public notice, for not less than par value and accrued interest; and the proceeds of the sale of said bonds, including any premium received from sale thereof, shall be applied only to the outstanding unprovided indebtedness of said town contracted for its necessary expenses, including all debts due by note, accounts, or unpaid judgments, but the purchaser of said bonds shall not be held responsible for the application of the money derived from the sale of said bonds.

Interest.

Proviso: limit of amount.

Authentication.

Sale below par forbidden.

Specific appropriation of proceeds.

Purchaser not responsible for application.

Sec. 2. The resolution of the board of commissioners of the said town authorizing the issue and sale of the bonds authorized by this act may be introduced and passed at any meeting of said board, either regular or special or called meeting, by a majority vote of the commissioners present at such meeting, and no other or further proceedings shall be necessary for the issuance of said bonds, and all bonds issued in accordance with the provisions of this act shall be legal and valid obligations of said town, notwithstanding any previous or present act of the General Assembly, either general or special, limiting the amount of bonded indebtedness of the town, or otherwise, and all laws or parts of laws inconsistent with this act are hereby repealed in so far as the same are inconsistent with this act.

Introduction and passage of order for issue.

Sec. 3. The board of commissioners of the town of Laurinburg is hereby required to levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls in said town of Laurinburg sufficient to pay the interest on said bonds as the same may become due; and also on or before the time when the principal of said bonds shall become due, to levy and collect a further special tax to pay the same or to provide for the payment of the same. The tax levied upon property shall be *ad valorem* tax and the tax upon polls and property be in the proportion as required by the Constitution and laws of the State of North Carolina. Said special tax shall be levied and collected at the same time as other taxes upon property and polls in the said town.

Special taxes.

Constitutional equation.

Levy and collection.

Sec. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 126.

AN ACT TO AUTHORIZE THE TOWN OF HERTFORD TO ISSUE BONDS FOR WATERWORKS, SEWERAGE, STREET PAVING, AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Section 1. That for the purpose of installing waterworks, a system of sewerage and street paving in the town of Hertford, or for installing or purchasing an electric light plant or gas

Issue authorized.

plant, the mayor and commissioners of the town of Hertford are hereby authorized and empowered to issue bonds of the town of

Amount.

Hertford in the sum not exceeding fifty thousand dollars, which

Maturity.

said bonds shall run for a period of fifty years from the date of

Interest.

their issue, bearing interest at the rate of five per cent per annum. Said interest shall be evidenced by coupons and shall be payable semiannually.

Resolution for issue.

Sec. 2. That the board of commissioners and the mayor at any regular meeting or at any special call meeting may pass a resolution setting forth which of the above, viz., waterworks, sewerage, street paving, or electric light or gas plant, they desire to install, and the amount of bonds to be issued for each.

Purpose and amount to be approved by voters.

Sec. 3. That no bonds prescribed for under this act shall be issued until the purpose for which they are to be issued and the amount of same shall be approved by the majority of the qualified voters of the town of Hertford and at an election or elections to be held in said town on the day or days to be designated by said

Notice of election.

mayor and board of commissioners at any time after the ratification of this bill, and after expiration of a public notice for thirty days preceding said election or elections, giving the time, place, when or where said election or elections will be held, which said notice or notices shall contain a synopsis of the objects and purposes for which these bonds are to be used and the amount of

Laws governing election.

same. Said election or elections shall be held and returns thereof be made under the same provisions, rules, and regulations as exist in the case of elections of mayor and commissioners of said

Ballots.

town. Those qualified voters approving at each election or elections provided hereunder the purchase for which the bonds issued is asked and the amounts of the same shall cast a ballot containing the words "For Bonds." Those not approving shall cast a

Majority of qualified voters to prevail.

ballot containing the words "Aganist Bonds." If it shall appear from the returns of said election that a majority of the qualified voters of said town have voted in favor of the issuance of bonds at any election herein provided, then the same may issue in accordance with the provisions of this act and said elections.

Alternative elections.

Sec. 4. That the board of commissioners and the mayor shall have the power to submit the question of the issuance of the

whole amount of said bonds at one election for any or all the purposes herein set out; and shall have the right to submit to the qualified voters the question of issuing bonds for one purpose or for more purposes at one election and the amount of bonds to be issued thereunder; shall have a further right to submit the question of issuing bonds for other purposes set out in this act, at any time thereafter, after giving notice as required heretofore: *Provided, however*, that no election shall be held hereunder within six months of any other election held: and *Provided further*, that the total amount of bonds in the several elections herein provided shall not exceed the total sum of fifty thousand dollars, and that no election or elections shall be held under this act later than July first, one thousand nine hundred and sixteen.

Proviso: limit of elections.
Limit of amount.
Limit of time.

Sec. 5. That no contract for installing systems of sewerage in said town of Hertford or installing waterworks or for street paving in said town, or for installing electric lights for said town or gas plant shall be made by the board of commissioners and the mayor of Hertford, without first having approval of the board of permanent improvements.

Board of permanent improvements to approve contracts.

Sec. 6. That Mr. H. C. Stokes, Jesse Campen, Charles Johnson, David Cox, and Charles Whedbee be and they are hereby appointed a board of permanent improvement for Hertford, whose term shall expire on the first day of May, one thousand nine hundred and fifteen; and their successors shall be elected at the regular municipal election by the commissioners of the town of Hertford in the year one thousand nine hundred and fifteen, and every two years thereafter: *Provided, however*, any vacancy by death, resignation, or otherwise in said board of permanent improvement shall be filled by said board for the unexpired term: *Provided further*, that said board shall serve without compensation.

Board named.
Term of office.
Election of successors.
Proviso: vacancies.
Proviso: to serve without compensation.

Sec. 7. That in order to pay the interest on any bonds which may be issued under and by virtue of this act, the board of commissioners for the town of Hertford shall levy and collect a special tax not exceeding twenty-five cents on every one hundred dollars worth of taxable property and seventy-five cents on every taxable poll. Such tax shall be levied and collected as other taxes are levied and collected, and shall be paid into the treasury of said town for the specific purpose of paying interest on said bonds. That the town constable or tax collector shall receive as compensation for collecting taxes to pay interest on such bonds a sum not exceeding two per cent commission.

Special tax.
Limit of rate.
Levy and collection.
Specific appropriation.
Commission of tax collector.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 127.

AN ACT TO AMEND THE CHARTER OF THE CITIZENS SAVINGS BANK AND TRUST COMPANY OF NEW BERN.

Preamble: incorporation under general law.
Preamble: letters of incorporation.

Whereas the Citizens Savings Bank and Trust Company was incorporated by the Secretary of State on the thirtieth day of August, one thousand nine hundred and twelve; and whereas letters of incorporation were duly issued by him to William Dunn, Clyde Eby, and T. A. Uzzell, their successors or assigns, and by said letters of incorporation they were authorized to do a general banking business, including commercial and savings business and all other banking business permitted by chapter seven of the Revisal of one thousand nine hundred and five and the laws of North Carolina and amendments thereto, with a total authorized capital stock of fifty thousand dollars, which said letters of incorporation were issued by the Secretary of State, bearing date the thirtieth day of August, one thousand nine hundred and twelve; and under said letters of incorporation and the authority therein said parties named have duly organized and are now conducting

Preamble: extension of powers.

the business authorized by the charter; and whereas the board of directors of said corporation have passed a resolution declaring that an extension of the corporate powers and privileges is advisable; and,

Preamble: resolution for amendment.

whereas, at a meeting held on the .... day of ....., one thousand nine hundred and twelve, it was unanimously resolved that the corporate rights and privileges of said Citizens Savings Bank and Trust Company be changed and altered, as hereinafter set out: Now, therefore,

The General Assembly of North Carolina do enact:

Action ratified.

Section 1. That the action of the Citizens Savings Bank and Trust Company is hereby ratified and confirmed.

Corporation confirmed.

Sec. 2. That the aforesaid Citizens Savings Bank and Trust Company of New Bern, North Carolina, which has been organized under the laws of the State, with letters of incorporation issued by the State, is hereby made, created, and confirmed as a corporation of the State of North Carolina, with full power to sue and be sued, and to adopt and have a common and corporate seal,

Corporate powers.
Corporate name.

under the name and style of Citizens Savings Bank and Trust Company, and by which name it shall have the rights, powers, and privileges incident to a corporation.

Capital stock.
Shares.
Increase of capital.

Sec. 3. That the capital stock of said corporation shall be twenty-five thousand dollars, to be divided into two hundred and fifty shares of the par value of one hundred dollars each, with the power in the stockholders to increase said capital stock at any time to any amount not exceeding fifty thousand dollars.

Principal office.

Sec. 4. That the principal office and place of business of said corporation shall be in the city of New Bern, State of North Caro-

lina; and the business of said corporation shall be managed by a board of not less than nine or more than fifteen directors, who shall choose such officers as they may deem necessary for the conduct of the business hereinafter authorized, and adopt such needful by-laws, rules, and regulations for the conduct of the business in accordance with the provisions of this act as they shall deem necessary. And said corporation shall have the power to make contracts, sue and be sued in the courts of this State, as fully as natural persons; to buy, hold, possess, and convey real, personal, and mixed property, and to do all lawful acts and doings and exercise all lawful powers and privileges which may be ordinarily incident to the conduct of a general banking business, with trusts and savings bank as hereinafter expressly allowed. Directors. Officers. Corporate powers.

Sec. 5. The said corporation shall have the right to do a general banking business; to receive deposits, make loans and discounts, to obtain and procure loans for any person, company, partnership, or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed, or otherwise, on any lands, hereditaments, or personal property or interest therein of any description; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable papers, or any crops or produce whatever, or any stock, bullion, merchandise, or other personal property, and to sell and dispose of the same in any manner which to said corporation may seem proper. General banking business.

Sec. 6. That said corporation may own by purchase, pledge, or otherwise the capital stock of any other corporation, and may by its duly constituted agent cast the vote which the stock owned by it may entitle it to cast in the meetings of such other corporation; and it may engage as a dealer in stocks, shares, notes, bonds, debentures, or other securities of any government, State, municipal corporation, company, partnership, or business; may engage or place said shares, stock, debentures, notes, mortgages, or other security with or without guaranty or collateral obligations by said company; may sell or dispose of any of the property, real or personal, or any interest acquired by it, to any person or other corporation for any portion of its bonds, securities, or obligations, as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. Said corporation may also receive on deposit all sums of money which may be offered, in such sums and at such times and on such terms as the board of directors may agree to. Powers as stockholder in other corporations. Stock dealer and broker. Deposits.

Sec. 7. Said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at Powers as savings bank.

fixed rates, or by way of dividends, out of the net earnings, according to the terms to be agreed upon between the corporation and the depositors; and the board of directors are hereby fully authorized to adopt all proper rules and regulations for conducting and carrying into effect the savings-bank feature of this corporation.

Deposits.

Sec. 8. Said corporation shall have the right to receive lawful currency of the country, bills of exchange, gold and silver coin, and to receive deposits from any and all persons, firms, and associations and corporations, including minors, apprentices, and married women, or other persons, on such terms as may be prescribed by this charter and by the by-laws, or as may be agreed upon by the parties, and may open accounts with them in their own names, whether for investment or not; and when deposit shall be made in the name of any minor or married woman, the said corporation may deal with such minor or married woman in reference thereto as though he or she be *sui juris*, and payments made to such minor or married woman on his or her receipt, or his or her check drawn against such deposit, shall be valid and sufficient release and discharge to such corporation for such deposit and interest thereon or any part thereof.

Deposits by minors and married women

Interest on loans.

Sec. 9. Said corporation shall have the right to pay out lawful currency of this country, bills of exchange, gold and silver coin, and may take and receive interest on the same at the time of making the loan or otherwise, free from all other control, contract, or liability whatever; and may take such real, personal, and mixed property as security for any loan, upon such terms and trusts and conditions for the payment thereof, or for money advanced or expended, as may be considered safe, expedient, and beneficial.

Security for loans.

Compound interest on deposits.

Sec. 10. Said corporation may pay to its depositors who allow their deposits to remain three months or more, such rate of interest as the directors may agree upon, said interest to be computed quarterly and added to the principal as a deposit, unless the deposit be wholly withdrawn earlier; in which case, if it has been in the company's hands three months or longer, interest shall be computed and paid up to date of withdrawal. But it shall be in the power of the directors to alter this section at their will so as to reduce the time required for deposits to be on hand before interest begins and so as to make the computation and addition of interest as deposits monthly or otherwise, as they see fit and as often as they please.

Agent, factor, or trustee.

Sec. 11. Said corporation shall have the right to act as agent, factor, or trustee for any State, county, town, municipality, corporation, company, or individual, on such terms as to agency and commission as may be agreed upon, in registering, selling, and countersigning, collecting, acquiring, holding, dealing in, and disposing of, on account of any State, town, municipality, corporation, company, or person, bonds, certificates of stock, or any

description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business, and may charge such premium, commission, or rate of compensation as may be agreed upon in and for any of the matters and things authorized in this chapter. Guarantor.

Sec. 12. Said corporation shall have power to receive money in trust, to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by the court, corporation, company, person or persons; and it shall also have the power to accept any grant or transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, and to execute the same on such terms as may be established and agreed upon by the board of directors. May act in fiduciary capacities.

Sec. 13. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner, or guardian of any minor, or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Citizens Savings Bank and Trust Company such receiver, trustee, administrator, assignee, commissioner, or guardian; and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person; and upon such settlement or adjustment all proper legal and customary charges, costs, and expenses shall be allowed to said corporation for its services, care, and management in the premises, and said corporation as such receiver, trustee, administrator, executor, assignee, commissioner, or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officer of said company and the oath prescribed by law be so modified as to apply to corporations instead of individuals. Appointment as fiduciary by courts. Accounts as fiduciary. Proviso: oath required of fiduciaries.

Sec. 14. Said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm, or corporation, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have the power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds, and silver plate, and other valuables, and charge and collect for same a reasonable compensation, which said charge shall be a lien upon such deposits until paid; and, generally, to carry on the business of a safety deposit and trust company. Said corporation shall also have the power to issue bills or notes to circulate as currency in such denominations as the board of directors may authorize, and under such regulations as are now authorized and provided or as may hereafter be authorized by the laws of the State or of the United States. Trustee or assignee. Funds in litigation. Deposits for safekeeping. Bank of issue.

Powers as warehousemen.

Sec. 15. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct, and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton, and other products, and charge and receive commission, rents, and compensation for the storing and keeping thereof, which charge shall constitute a first lien on the property so stored; make rules, regulations, contracts, and by-laws, fixing the terms and prices for storage, manner of inspection, form of receipts, insurance on property, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business and as are not contrary to law; and the receipts issued by said corporation shall be and are hereby declared to be negotiable instruments and pass by indorsement and delivery, and to entitle the bearer thereof to the property marked and designated therein in such manner as the original holder would be had not such assignment been made: *Provided*, that in the absence of any stipulation in the receipt, or any contract between the said company and any depositor of the property in said warehouse, the said company shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

Advances on storage.

Receipts negotiable.

Proviso: liability for safe-keeping.

Purchase of pledged property.

Sec. 16. Whenever any real or personal property upon which the company may have a lien of any kind shall be exposed to sale under authority of the law, the president of the company may purchase the same for and on behalf of the company, and such purchase, though made at a sale by the company as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

Branches.

Sec. 17. That the principal office of said corporation shall be in New Bern, but it is fully empowered and authorized to establish branches of its business at any other point or points in the State of North Carolina which may be decided upon by the board of directors, and such branch or branches, when so established, shall be and become as fully empowered for the transaction of the business herein authorized as is the original corporation.

May act as insurance agent.

Sec. 18. Said corporation is authorized to act as agent for any life, fire, or other insurance company, and is authorized to have an insurance department for the transaction of life, fire, and other insurance ordinarily conducted by any company, person, or individuals in this State, under such laws, rules, and regulations as may be prescribed for the conduct of such insurance business.

Sec. 19. This act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 128.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY BY EXTENDING THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the city of Salisbury be and the same are hereby extended so as to include within the corporate limits of said city the following described bonndary of land, to wit: Beginning at a stake in the center of Seventeenth Street on the southeast side of Main Street extension or Salisbury Avenue, and on the line of the corporate limits of Spencer; thence with the center of Seventeenth Street and the corporate limits of Spencer, south 21 degrees east, passing Spencer corner, in all 1,109.8 feet to the center of the Southern Railroad, near the transfer sheds; thence with said railroad south 59 degrees 9 minutes west, 495.9 feet to a stake; thence, passing the corner of East Spencer and running with their line south 30 degrees 51 minutes east 1,016 feet to a stake on the line of East Spencer; thence sonth 29 degrees 44 minutes west, 3,462 feet to a stake on the east side of the Bringles Ferry Road; thence south 27 degrees west 1,869.4 feet to a stake; thence south 67 degrees 4 minutes west 10,597.5 feet to a stake; thence north 83 degrees 34 minutes west, 1,113.9 feet to a stake; thence north 26 degrees 27 minntes east 1,229.4 feet to a stake in the Southern Railroad and in the center of D Street; thence with the center of D Street north 26 degrees 41 minutes east 1,850 feet to a stake; thence north 4 degrees 59 minutes east 4,075 feet to a stake 10 feet southwest from W. L. Edwards' house; thence north 20 degrees 9 minutes east 8,186.7 feet partly with the east edge of Heilig Street to the southeast intersection of Heilig Street and Ridge Avenne in what is known as Belmont; thence with the south edge of Ridge Avenue and continuing the same course beyond, south 69 degrees 51 minutes east, 8,942 feet to a stake; thence partly with the sonth side of Fulton Street north 68 degrees 9 minutes east 2,374.3 feet to a stake in the line of Spencer corporate limits and in the center of Seventeenth Street; thence with the said corporate line south 21 degrees 51 minutes east 1,400 feet to the beginning, containing four and seven-eighths square miles. All that section lying west from the intersection of Main and Inniss streets and between said Main and Inniss streets and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as the West Ward; all that territory lying north from the intersection of Main and Inniss streets, and between said streets and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as the North Ward; all that territory lying east from the intersection of Main and Inniss streets,

Corporate limits extended.

Boundary of new territory.

West ward.

North ward.

East ward.

and between said streets and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as the East Ward; and all that territory lying south from the intersection of Main and Inniss streets, and between said streets and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as South Ward.

South ward.

Act to be ratified by voters.

Sec. 2. That this act shall not take effect and be in force until after it has been submitted to a vote of the qualified voters of the entire territory concerned and been adopted and ratified by said voters, including all qualified voters in the corporate limits of the city of Salisbury and those living in the territory proposed to be taken in by this act as described herein, and said election shall be held under such terms and provisions as those governing the election of the members of the General Assembly, as near as practicable, and thirty days notice shall be given in the daily newspapers of Salisbury, and thirty days notice in one of the weekly newspapers published in said city before said election is called; said election may be called at such time as the board of aldermen may designate and deem proper, and such election, in so far as the qualified voters of Salisbury are concerned, shall be held at the usual voting places in the city of Salisbury, and for the qualified voters living outside the city of Salisbury, in the proposed annexed territory there shall be three polling places established for the purposes of this election: one at Chestnut Hill, at which polling place all those voters in the proposed annexed territory living south or west of Inniss Street in the city of Salisbury shall be entitled to vote; one at the Kesler Cotton Mills, at which polling place all voters in the proposed annexed territory residing between Inniss Street and its extension, the Gold Hill county road, and the Bringles Ferry Road, shall be entitled to vote; one at a point on or near the public road from Salisbury to Spencer, at which polling place all voters in the proposed annexed territory north or east of the Bringles Ferry Road, and north or east of Inniss Street in the city of Salisbury, shall be entitled to vote.

Notice of election.

Voting places.

Ballots.

Those voters in the city of Salisbury favoring the extension of the incorporate limits shall vote either a written or printed ballot with the words "For Extension," and those opposed to the extension of the corporate limits shall vote either a written or printed ballot with the words "Against Extension"; those voters living in the proposed annexed territory favoring annexation of that territory to the city of Salisbury shall vote either a written or printed ballot with the words "For Annexation," and those opposed to annexation shall vote either a written or printed ballot with the words "Against Annexation." If at said election a majority of the votes cast in the city of Salisbury shall be "For Extension" and a majority of the votes cast in the proposed annexed territory shall be "For Annexation," then the corporate limits of the city of Salisbury shall be the same as set forth in section one of this

Determination of result.

act; but if such is not the result, then the corporate limits of the city of Salisbury are to remain as they were prior to said election. The vote shall be canvassed and the result ascertained, and the returns thereof made in the manner and as near as may be practicable as now provided for the election of aldermen for said city, and the result so ascertained and returned shall be published in the same manner as the result in any other city election. So much of this act as provides for the holding of the election as above set out shall be in force from and after its ratification. Canvass and return of votes.

Sec. 3. This act shall take effect from and after the first day of June, one thousand nine hundred and thirteen: *Provided*, it shall have been ratified by a majority of the qualified voters at an election to be held prior to said first day of June, one thousand nine hundred and thirteen, as provided for and set forth in section two above. When act effective. Proviso: ratification by people.

Sec. 4. That from and after the ratification of this act by the majority of the qualified voters as herein provided, the same shall be and remain the city limits and boundaries of the city of Salisbury, and all laws or parts of laws heretofore enacted in relation thereto, and not heretofore repealed, which are inconsistent with this act, are hereby repealed. City limits.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 129.

AN ACT TO ESTABLISH LAFAYETTE PARK IN THE CITY OF FAYETTEVILLE.

Whereas the city of Fayetteville is the owner of a certain lot in the said city, lying in the western suburbs of the same, and extending from Hay Street to Arsenal Avenue, and being the same lot upon which the standpipe for the water supply of said city is now located; and whereas a street has been located and laid off on the western margin of said lot, fifty feet wide, leaving a parcel of land extending from Hay Street to Arsenal Avenue, along the eastern margin of said lot, unoccupied, except so much as is used by the said city in connection with its water supply; and whereas the Ladies' Civic Association of Fayetteville requested the board of aldermen of said city to permit said Civic Association to lay off and establish said lot as a public park, to be known as "LaFayette Park"; and whereas the request of the said Civic Association was unanimously granted, and the lot as hereinbefore described was set apart and by resolution donated to said Ladies' Civic Association, to be used and used only as a public park; and whereas the said board of aldermen, by resolution, did request the General Assembly of North Carolina to pass Preamble: land owned by city. Preamble: unoccupied land. Preamble: request for establishment of park. Preamble: donation of land for park. Preamble: request to General Assembly.

such legislation as might be necessary in order to validate the action of said board in donating said lot of land for the purposes herein described, and said park, after being beautified and ornamented, might be perpetually used for the purposes of a public park: therefore,

The General Assembly of North Carolina do enact:

Land declared public park.

Section 1. That in compliance with the action of the board of aldermen of the city of Fayetteville, all that strip or parcel of land lying between Hay Street and Arsenal Avenue, belonging to the city of Fayetteville, in the western suburbs of said city, not used for water and street purposes, be and the same is hereby declared to be a public park, to be known and designated as "LaFayette Park."

Designation.

Control and management of park.

Sec. 2. That the control and management of said park shall at all times be under the control and direction of the Ladies' Civic Association of the city of Fayetteville, subject only to such supervision by them over the same as the board of aldermen, from time to time, may deem necessary.

Rules and regulations.

Sec. 3. That the said Ladies' Civic Association may adopt rules and regulations governing said park, subject only to the approval of the board of aldermen of the city of Fayetteville.

Land to revert.

Sec. 4. That upon failure of the Ladies' Civic Association, its successors or assigns, to keep up and maintain said park for a period of one year, the said land shall revert to the said city of Fayetteville.

Sec. 5. This act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 130.

AN ACT TO AMEND, REVISE, AND CONSOLIDATE THE CHARTER OF THE TOWN OF MILTON IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

General law.

Section 1. That the town of Milton in the county of Caswell shall be and remain, as it has been, a body politic and corporate under the name and style of the Town of Milton, and shall be subject to all the provisions contained in chapter seventy-three (73), volume one of the Revisal of one thousand nine hundred and five of North Carolina, and amendments thereto.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a point on the west bank of Country Line Creek where the boundary line between the State of North Caro-

lina and the State of Virginia intersect with said creek; thence with said boundary line between said States south eighty-nine degrees west twenty-four chains and one and two-thirds links to a stone in said line; thence due south forty-seven chains and sixty-seven links to a stone; thence due east eleven chains and thirty-one and two-thirds links to a stone on the east bank of said creek; thence down said creek as it meanders, to the beginning.

Town officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, four commissioners, one constable, and such other officers as the town commissioners may elect; and until the regular election of said mayor and commissioners herein provided for the present mayor and the commissioners of said town of Milton shall continue in office, with all the powers and privileges herein given such officers.

Present officers continued.

Other officers.

Sec. 4. That the regular constable, clerk, and treasurer shall be appointed by the town commissioners, and a special policeman may be appointed by the mayor when needed.

Town elections.

Sec. 5. That on the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, an election shall be held in said town for mayor and four commissioners, under the laws of North Carolina regulating elections in towns and cities.

Officers-elect to qualify.

Sec. 6. That the mayor and commissioners elected on the first Monday in May, one thousand nine hundred and thirteen, under this act, shall within ten days thereafter qualify by taking and subscribing an oath before some justice of the peace or some other person authorized by law to administer oaths, and all officers thereafter elected shall qualify in like manner.

Mayor to preside.

Vote on ties.

Mayor pro tempore.

Sec. 7. That at all meetings of the commissioners the mayor shall preside, but shall not be entitled to vote except in case of a tie, and in the event of his absence or sickness the board of commissioners may appoint one of their number mayor *pro tempore* to execute his duties.

Charter of town.

Sec. 8. That from and after the passage and ratification of this act, that the same shall be and remain the charter of the town of Milton; and all laws and parts of laws heretofore enacted in relation thereto and not heretofore repealed are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 131.

AN ACT TO AMEND CHAPTER 72 OF THE PRIVATE LAWS OF THE SESSION OF 1899, BEING "AN ACT TO INCORPORATE THE TOWN OF SYLVA, NORTH CAROLINA," AND TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-two of the Private Laws of one thousand eight hundred and ninety-nine, being "An act to incorporate the town of Sylva, North Carolina," be and the same is hereby amended by adding the following thereto as section twenty-eight thereof:

Necessary expenses. That the installment, extension, and maintenance of waterworks and a sewer system, and the improvement, extension, and maintenance of public streets and sidewalks being necessary expenses for the said town of Sylva, it is hereby enacted that the

Resolution for bond issue. board of commissioners of said town be and they are hereby authorized by resolution passed by two-thirds vote of the commissioners of said town at a regular or special meeting of the same, which resolution shall have been introduced and read at a meeting at least ten days theretofore, to issue coupon bonds of the said

Bond issue authorized. Interest. town of Sylva bearing interest at not more than six per cent per annum, payable annually at such time and place as may be fixed

Maturity. in said resolution, maturing in thirty years from date thereof, and payable at such time and place as may be fixed in said resolution,

Amount. to an amount not exceeding fifty thousand dollars, and not exceeding fifteen per cent of the listed value of real and personal properties for taxation within its corporate limits for the pre-

Entitlement. ceding year, to be styled "Bonds of the Town of Sylva," and to sell said bonds and apply the proceeds thereof for installing, improving, and maintaining waterworks, a sewerage system, and improving, extending, building, repairing, and maintaining the

Incorporation. public streets and sidewalks therein; and for the purposes hereof the board of commissioners of said town and their successors in

Corporate name. office are hereby constituted a body corporate by the name and

Authentication of bonds. style of the "Commissioners of the Town of Sylva," and said bonds shall be sufficiently authenticated when they are subscribed by the mayor and attested by the treasurer of said town, and the

Tax for interest and sinking fund. corporate seal of said town affixed thereon. That the interest on said coupon bonds shall be payable annually, and for the purpose of paying the annual interest on said bonds and for providing a sinking fund for the liquidation of said bonds the said board of commissioners and their successors in office are hereby authorized and empowered, at the time of levying other taxes for said town, and in addition to the tax provided for in section seventeen of chapter seventy-two of the Private Laws of one thousand eight

Limit of tax rate. hundred and ninety-nine, to levy a tax of not exceeding twenty-

five cents on the one hundred dollars worth of real and personal property in said town upon the assessed value thereof as ascertained under said chapter seventy-two of the Private Laws of one thousand eight hundred and ninety-nine, and seventy-five on each poll in said town, observing the constitutional equation; but it shall not be mandatory to levy a tax to provide a sinking fund as aforesaid until such time as the said commissioners of the town of Sylva shall so order by resolution of their board; but said bonds shall not be sold for less than par.

Constitutional equation.
Levy for sinking fund not mandatory.
Sale below par forbidden.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 132.

AN ACT TO AUTHORIZE THE TOWN OF SELMA TO ISSUE BONDS TO COMPLETE ITS ELECTRIC LIGHT AND WATER SYSTEMS.

Whereas the town of Selma in Johnston County, on account of the large number of its inhabitants and of the great increase in the number, size, and value of its residences, hotels, and business houses, is in great need of a public water supply and electric light system; and whereas it is necessary to protect the property of said town from destruction by fire, and to furnish an adequate electric lighting system for the protection, convenience, and benefit of its citizens and their property; and whereas it is necessary for the protection of the health of said town that there should be a system of sewerage and waterworks in the town; and whereas, in pursuance of the urgent needs aforesaid the qualified voters of said town have heretofore by popular vote authorized the issuance of twenty-five thousand dollars interest-bearing coupon bonds; and whereas the money derived therefrom has been devoted to the installation, construction, and erection of water and electric light systems for the purposes aforesaid; and whereas the money derived from said bonds has been insufficient to carry said work to a completion, and an additional five thousand dollars is necessary to complete said water and lighting systems, and it is imperatively necessary that this be done at as early a date as practicable; and whereas the mayor and board of commissioners of said town of Selma, after full consideration of all conditions, have declared that there exists in said town an absolute and urgent necessity for the completion of its waterworks and electric light system for the protection of health and against fire; and whereas the ordinary funds derived from current taxes of said town are wholly insufficient to complete said works: Now, therefore,

Preamble: need of water and lights.
Preamble: need of sewerage and waterworks.
Bonds heretofore issued.
Funds insufficient.
Preamble: declaration of necessity.

The General Assembly of North Carolina do enact:

Completion of work directed.

Section 1. That the mayor and board of commissioners of the town of Selma are hereby authorized, empowered, and directed to complete the construction, installation, and equipment of its water and electric light systems for drainage, fire protection, convenience, and conservation of the health and property of its citizens, and all other purposes incident thereto.

Bond issue directed.

Sec. 2. That for the purposes mentioned in section one of this act, the mayor and board of commissioners in the town of Selma are hereby authorized, empowered, and directed to issue coupon bonds for the town of Selma, North Carolina, to an amount not exceeding five thousand dollars, bearing interest at a rate of six per cent per annum, payable annually. Said bonds when issued shall be signed by the mayor and town clerk, and the seal of said town shall be thereto attached, and the coupons on and attached to said bonds shall bear the printed facsimile of the signatures of said mayor or town clerk, or both. Said bonds shall be in denomination of five hundred dollars each, and shall mature and be payable ten years from their date: *Provided, however*, that said mayor and board of commissioners are empowered, authorized, and directed in their sound discretion to arrange for the retirement and redemption of one bond of five hundred dollars each annually, from and after their issue.

Amount.

Interest.

Authentication.

Denominations.

Maturity.

Proviso: annual payments.

Municipal necessity.

Sec. 3. Said bonds are hereby declared to be within the exercise of the corporate powers of the town of Selma, and the purposes for which the same are to be issued are hereby declared to be a municipal necessity.

Appropriation for interest and payment of bonds.

Sec. 4. That for the purpose of paying the interest on said bonds and paying off and redeeming the same at maturity, either in ten annual installments or *en bloc* at the end of ten years from the date of their issue, the mayor and board of commissioners of said town are hereby authorized, empowered, and directed to appropriate and pay from the current taxes of said town, not otherwise appropriated for current necessary expenses, a sufficient amount annually to pay the interest on said bonds and retire and pay off by ten annual installments of five hundred dollars each, the whole of said issue, if made to mature by yearly installments, and if made to mature *en bloc* at the end of ten years, then and in that event the mayor and board of commissioners aforesaid are authorized and directed to pay off and redeem the whole of said issue of bonds at maturity out of any general taxes of said town not otherwise appropriated for current necessary expenses.

Sale below par forbidden.

Specific appropriation.

Purchasers not liable for extension.

Sec. 5. That said bonds shall not be sold for less than par, and the proceeds derived from their sale shall not be used for any purpose than mentioned in this act. By this provision, however, no duty is imposed on the purchasers of said bonds to see to the application of such proceeds, but this provision only applies to the officers of said town. And said bonds shall be exempt from all taxation, general or special, for county or municipal purposes.

Bonds exempt from taxation.

Sec. 6. Said bonds shall be sold at public or private sale in the sound discretion of the mayor and board of town commissioners, who may reserve the right to reject any and all bids. Sale of bonds.

Sec. 7. That full power is hereby conferred upon the mayor and board of commissioners in the town of Selma to do any and all other things necessary or proper to be performed in furtherance of the duties imposed upon them by this act, whether this authority is specially conferred by this act or not: *Provided, however*, that such additional authority be not in conflict with the provisions of this act. Powers conferred on town government. Proviso: powers not in conflict with act.

Sec. 8. That so much of chapter one hundred and eighty-six, Private Laws of North Carolina of nineteen hundred and eleven, relating to the charter of the town of Selma, and all other laws and clauses of laws in conflict or inconsistent with the provisions of this act, and no further, be and the same are hereby repealed. Repealing clause.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 133.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT GILEAD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Mount Gilead shall be and continue, as they have been, a body politic and corporate, and the corporation shall bear the name and style of the Town of Mount Gilead, and as such have perpetual succession, and under such name and style shall have all the powers, franchises, property and rights of property which now belong to said corporation under any other name or names heretofore, and be subject to all its present liabilities heretofore assumed, and by this name may acquire and hold all such estate as may be devised, bequeathed, sold, or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell, or dispose of the same, and under this name shall have the power to contract and be contracted with, to sue and be sued, and shall have all powers, privileges, franchises, and immunities necessary or belonging to or usually appertaining to municipal corporations. Body politic and corporate. Corporate name. Corporate powers and rights.

Sec. 2. That the corporate limits of said town shall extend one mile in all directions from the point where the Allenton Ferry Road crosses the Turnpike Road. Corporate limits.

Mayors and commissioners. Town election.

Sec. 3. That the governing body of said town shall consist of a mayor and four commissioners, who shall be elected on the first Tuesday in May, one thousand nine hundred and thirteen, and biennially thereafter, by the qualified voters of said town, which election shall be held and conducted in the manner prescribed by law for holding municipal elections. Said officers shall qualify within five days after their election; and if any person so elected as mayor or commissioner shall refuse to qualify and act, he shall forfeit and pay the sum of twenty-five dollars, one-half to the person who shall sue for the same and the other half to the school fund of Montgomery County.

Officers elect to qualify. Forfeit for refusal to qualify and act.

Election to fill vacancy.

Sec. 4. That if any person who shall be elected mayor shall fail or refuse to qualify, or if there be a vacancy in the office for any cause, the board of town commissioners shall elect some qualified voter of the town to fill such vacancy; or if the mayor shall be temporarily absent from the town or be unable to discharge the duties of his office, from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore;* and likewise, in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some qualified voter of said town to fill the vacancy.

Mayor pro tempore.

Vacancies in commissionerships.

Officers to qualify.

Sec. 5. That the mayor, commissioners, and every other officer of the town of Mount Gilead (whether elective or appointive), before entering upon the duties of his office shall take before a justice of the peace, or any other person qualified to administer oaths, subscribe and have entered upon the minute-books of the town commissioners the following oath of office:

Form of oath

"I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of .....on which I am about to enter, according to the best of my skill and ability: so help me, God."

"Subscribed and sworn to before me, this .... day of....., 191...."

Mayor's court.

Sec. 6. That the mayor of the town of Mount Gilead is hereby constituted a special court, to be known as "The Mayor's Court," with original jurisdiction of all offenses arising from the violations of the provisions of this act, of the ordinances, by-laws, rules and regulations of the board of commissioners made in pursuance thereof, and the charter of said town, and with all the judicial powers and authority which is now or may hereafter be given to justices of the peace for the trial and determination of such criminal and civil causes as may arise within the corporate limits of said town under the general laws of North Carolina; and to that end he may issue his summons, warrant, or other process, and, if criminal, have the party brought before him, hear, determine, and give judgment thereon, impose fines, penalties, and for-

Jurisdiction.

feitures, as the case may be, and direct the enforcement thereof by imprisonment in criminal actions, subject to the limitations of this act as to the amount of such penalties, and subject also to the same right of appeal as provided for justices of the peace: *Provided*, that no cause arising upon the violation of any of the provisions of this act, or of any ordinance, rule or regulation made in pursuance hereof, and of the charter, shall be removed from the mayor's court to a justice of the peace for trial: *Provided further*, that in case a defendant, a witness, or other person shall be adjudged to be imprisoned by the said mayor's court, it shall be competent for the said court to sentence such person to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such person work during the period of his confinement on the public streets or works of said town, or on the public roads of the county of Montgomery, and in case such imprisonment be for the nonpayment of a fine or penalty or costs, he shall have credit thereon at the rate of fifty cents for every day which he shall so work on the streets, roads, or other works of said county.

Right of appeal.

Proviso: cases not removable.

Proviso: sentences.

Sec. 7. The mayor shall be entitled to the same fees as a justice of the peace in like cases, and such additional compensation or salary for his administrative services as the board of commissioners may see fit to allow.

Fees and salary of mayor.

Sec. 8. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners. Within five days after their election they shall convene for the transaction of business, and shall hold stated meetings during their term of office on Tuesday after the first Monday of each and every month during their said term, but the board of commissioners shall have power to change the time of holding their said stated meetings. Special meetings may be held on the call of the mayor or a majority of the commissioners, and of every such special meeting those not joining in the call shall be notified in writing, if within the town, at the time of such call; said notice to be served by the town policeman. Each commissioner shall receive one dollar for each regular meeting attended by him. At their first meeting they shall elect a clerk and treasurer, also a chief of police and a tax collector, and may, at any time, elect such assistant policemen as they may deem necessary, a sanitary officer, a street commissioner, an attorney, and a keeper of the cemetery. Any elective or appointive officer provided for herein may be elected or appointed to two or more of said offices when the duties of such officer do not conflict. Each of said officers, except the attorney and policemen, shall be a qualified elector of the town, and shall serve for the term of the mayor and the board of commissioners or until his successor is elected and qualified, unless he or they are sooner removed by the board of commissioners for cause, of which the said board shall

Commissioners one board.
Quorum.

Meetings.

Special meetings.

Pay of commissioners.

Election of minor officers and policemen.

Offices consolidated.

Qualifications and term of office.

Removal for cause.

Salaries and fees.

be the judge, and their salaries or fees shall be fixed by the board of commissioners.

Election of cotton weigher.

Sec. 9. That the board of commissioners of the town of Mount Gilead may, in their discretion, appoint for the town of Mount Gilead a public cotton weigher, whose duties shall be to weigh all cotton sold in bales in the said town, and make just and proper deduction for water or any other damages.

Bond of weigher.

Sec. 10. That within five days after the election of a cotton weigher, the person so elected shall give bond in a sum not to exceed five hundred dollars, to be approved by the board of commissioners of the town of Mount Gilead, for the faithful performance of his duties; he shall also take the oath as provided in section five of this act.

Weigher to qualify.

Duty of weigher.

Sec. 11. That it shall be the duty of said cotton weigher to weigh all cotton sold in bales in the town of Mount Gilead; to keep separate the cotton belonging to different purchasers weighed by him, so that the cotton on the yard or platform where the weighing is done shall not become mixed; to keep a record of all cotton weighed, showing the name of seller and buyer, the grade of cotton and price paid, if known to such weigher.

Record of weigher evidence.
Records open to inspection.

Sec. 12. That the record of said officer shall be evidence in any court, when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall make request to be allowed such privilege.

Weigher's fees.

Sec. 13. That said cotton weigher shall receive as full compensation for his services the sum of eight cents per bale for each bale of cotton weighed, the seller and purchaser to pay four cents each; and that the purchaser shall retain four cents of the purchase price and shall be responsible to said weigher for his fees, and to whom said weigher shall look for said fees.

Powers of commissioners.

Sec. 14. That the board of commissioners of said town is hereby fully authorized and empowered to do and perform the following acts:

To make ordinances.

(1) To make and publish all needful ordinances, rules and regulations for the peace, good order, and good government of the town.

To suppress and remove nuisances.

(2) To suppress and remove nuisances and to make all necessary rules and regulations to preserve the health of the inhabitants of the town from contagious, infectious, or other diseases.

Streets and sidewalks.
Drainage.

(3) To lay out and open new streets and sidewalks, and to provide for the proper drainage of the town, which drainage may be extended, if in the opinion of the board of commissioners of said town it be necessary, to a distance of one mile beyond the town limits; and for this purpose and for the purpose of exercising control over the watershed, the said board of commissioners shall have the same authority, and ordinances passed by them the same validity, within the said one-mile district beyond the said town limits as within the said town limits as hereinbefore set out.

Watershed.

Validity of ordinances.

(4) To extend, widen, straighten, grade, or otherwise improve any street or sidewalk now existing in said town; and to this end it shall have power and authority to remove or cause to be removed any or all obstructions in or on said streets or sidewalks, no matter whether such obstruction be of temporary or permanent kind, or caused by porches, sheds, fences, buildings erected in, on, upon, or over any of said streets or sidewalks. Improvement of streets and sidewalks.

(5) And they shall have power at any time to discontinue any street or streets or any part of any street or streets or public alley or any part thereof, the commissioners being the sole judge of the necessity therefor. Discontinuation of streets.

(6) To contract for, purchase, keep in repair, and provide for the use of all such engines, hose, or other apparatus or appliances for the prevention and extinguishment of fires as the board may deem needful and proper. Fire apparatus.

(7) To adopt such plans and methods and to make such contract or take such action as it may deem best for lighting the streets and sidewalks of said town, and to provide a water supply and the necessary sewerage therefor. Lights, water, and sewerage.

(8) To prescribe the place and regulate the manner in which the business of marketing shall be carried on in the town, and to make necessary provisions for the proper inspection of all foods and feedstuffs offered for sale in said markets of said town, and to prohibit the establishment or maintenance of slaughter pens or houses within said town. Markets and marketing. Inspection of foods and feedstuffs. Slaughter pens.

(9) To prohibit, regulate, or restrict the use of firecrackers, roman candles, bombs, torpedoes, or other explosives in said town. Use of explosives.

(10) To regulate the sale and keeping of powder, gasoline, kerosene, or other explosives within the corporate limits of said town. Other explosives.

(11) To regulate the speed of riding or driving on the streets and other public places of said town. Speed regulations.

(12) To prohibit and prevent dogs, horses, hogs, domestic fowl, and other animals from running at large in the town. Animals at large.

(12½) To tax privies within the town not exceeding one dollar a year, said tax to be expended by the town in having the privies properly cleaned and made sanitary. Privies.

(13) To build or establish a guardhouse in which to secure or confine offenders against the town ordinances or the laws of the State of North Carolina. Guardhouse.

(14) To erect and maintain such buildings as may be necessary and proper for the use of the town, and prevent the erecting and establishing of wooden buildings or buildings of other material than stone, brick, steel, or concrete, in any part of the town in which they may increase the danger of fire. Public buildings. Fire limits.

(15) To provide public graveyards or cemeteries in or near the town and regulate the management of the same. Cemeteries.

Labor, machinery, and materials for public work.

(16) To employ such labor and to purchase such machinery and materials and make such contracts and do such things as may be necessary to put and keep the streets and sidewalks, public wells, pumps, tanks, reservoirs, and other town property in proper condition.

Other powers.

(17) To execute and employ all other powers and functions as are now or may be conferred by the general laws of the State upon boards of commissioners, councilmen or aldermen of cities or towns which may not be herein specifically mentioned.

Procedure for condemnation of land.

Sec. 14. That when it shall become necessary to condemn real property for streets, sidewalks, drains, sewerage, water mains, reservoirs, sites for new municipal buildings, or other public use, the board of commissioners shall designate and describe the property to be condemned; and if the board and the owner or owners of said property cannot agree upon the damage, then the board shall appoint one arbitrator, the owner or owners of the property one (if the owner or owners of the property shall fail or refuse to so appoint, then the board shall appoint two), and the third shall be named by the Clerk of the Superior Court of Montgomery County. But if any one of the owners of the property are minors and without a general guardian, then the board of commissioners shall file a petition before the clerk of the court of Montgomery County, setting out the facts, and the said clerk shall appoint some suitable person to represent such infant or infants, and such guardian *ad litem* shall appoint the arbitrator to represent such minors, and report the name of the person so selected to said clerk, who shall make a record of these proceedings, which shall, when approved by said clerk, be as conclusive against said minors so made of record as if they were of full age. The three arbitrators, chosen as provided for in this section, shall take an oath before entering upon their duties to do even and exact justice between the town and the owners of the property to be condemned, to the best of their ability. The board shall deliver to the arbitrators a description of the property sought to be condemned, and thereupon the arbitrators shall view the property, hear the testimony, if any be offered, estimate the damages, if any, after deducting the benefits that in their opinion may accrue to said property by reason of the proposed work, and then make and sign their award, a copy of which shall be filed with the board and a copy with the clerk of the Superior Court of Montgomery County, and a copy to be delivered to the owners, said copy for the clerk and owners to be made from the report filed with the board by the arbitrators and certified to the clerk, under the seal of the town, as a true copy of the report so filed by said arbitrators. The award when signed by a majority of the arbitrators shall be final and conclusive as to all parties in case there is no appeal: *Provided, nevertheless*, that if any person over whose land the said street may pass or improvement be erected,

Proviso: right of appeal.

or the commissioners, shall be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court of Montgomery County to be held thereafter; and the said arbitrators shall return to the court to which the appeal is taken their valuation, with the proceedings thereon; and the land so valued by the arbitrators shall vest in the town so long as may be used for the purpose of the same as soon as the valuation may be paid or lodged in the hands of the clerk of the Superior Court (in case of its refusal by the owner of the land): *Provided further*, that in case of the discontinuance of the land, and its reversion to the owner, the town may remove any improvements erected under its authority and expense within sixty days of such reversion.

Land vested in town.

Proviso: removal of improvements on reversion.

Sec. 15. That the board of commissioners shall have authority to put and keep at work on the streets of the town any person or persons who may fail or refuse to pay any fine, cost, penalty, or forfeiture which may have been imposed upon such person or persons by the mayor; and the said board shall have authority to make such rules and regulations for the control and management of such persons until such fine, penalty, and costs are paid, under such rates for labor as they may fix.

Fines, costs, and penalties worked out on streets.

Sec. 16. That no ordinance of the board of commissioners shall be in force until the same has been advertised at three public places in the town for a period of five days.

Ordinances published.

Sec. 17. That in order to raise the funds for the expense incident to the proper government of the town and for meeting any interest on its bond issues, and provide a sinking fund for the redemption of any bond issue or issues that may hereafter be made, the board of commissioners may, at their meeting in June in each and every year, levy and provide for collecting the following taxes, namely:

Taxing powers.

(1) On real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks, and other subjects taxed by the General Assembly *ad valorem*, except incomes, a tax not exceeding one dollar on every hundred dollars in value.

Property tax.

(2) On all taxable polls, not exceeding two dollars, who may be residents of the town on the first day of June in each and every year.

Polls.

(3) Special license taxes upon any and all subjects taxed by the laws of the State (unless specifically exempted from municipal taxation), such tax as it may see fit, not exceeding the amount of the State tax levied upon such subjects.

License taxes.

Sec. 18. The valuation of real and personal property for taxation in the said town of Mount Gilead shall be the same as that assessed for the collection of the State and county taxes in Mount Gilead Township, Montgomery County.

Valuation for taxation.

Sec. 19. That at the regular meeting of the board of commissioners in the month of April in each and every year it shall

Appointment of tax lister.

Advertisement for listing taxes.

appoint some fit and suitable person to list the taxable property of the town for the ensuing year, and such list taker shall, thirty days before the time fixed for listing State and county taxes, advertise notice to the taxpayers that he will on the days fixed for listing State and county taxes proceed to list such taxes, giving notice of the place and hours at which he will meet the taxpayers for said purpose.

Duties of town clerk.

Sec. 20. That the town clerk shall keep a correct record of all the proceedings of the board of commissioners, attest all papers and contracts made and entered into between the commissioners and other parties on behalf and for the benefit of the town; preserve all papers, bills, contracts, records, and other documents pertaining to the town or proceedings of the board in neat and permanent form, in some safe place of deposit, so as to have same open to the inspection of the board or other person or persons authorized to have access to them, and perform such other duties as may be required and prescribed by the commissioners.

Election and duties of tax collector.

Sec. 21. That the tax collector shall be elected or appointed by the board of commissioners, and when so elected and qualified by taking the oath of his office, he shall collect all taxes that may be levied by the commissioners, and shall pay the same to the treasurer once a month before the meeting of the board in regular session, and take the treasurer's receipt for such payment so made, and shall make such other reports and settlements as may be required by the commissioners: *Provided, however*, that before entering upon the discharge of his duties he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in an amount to be fixed and approved by the commissioners. The board of commissioners may pay the tax collector a salary or commission not exceeding five per centum of the amount of taxes collected by him.

Monthly settlements.

Proviso: tax collector to give bond.

Pay of tax collector.

Duties of treasurer.

Sec. 22. That the treasurer shall receive all moneys due to the town, and pay out same only upon the order of the board of commissioners, signed by the mayor and countersigned by the clerk. Before entering upon the discharge of his duties he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in an amount fixed and to be approved by the commissioners. At the end of the fiscal year he shall make to the board a full report, showing the financial condition of the town, and cause same to be published in some newspaper published in said town, or posted in some public place in said town, and from time to time make such other reports as the board shall require. His compensation shall be fixed by the board of commissioners, and he shall serve for the term of the commissioners or until his successor is elected and qualified: *Provided, however*, that in the discretion of the board of commissioners the town clerk may by virtue of his office act as treasurer.

Bond of treasurer.

Annual report.

Publication.

Other reports.

Compensation.

Proviso: clerk may act as treasurer.

Duties of policemen.

Sec. 23. That it shall be the duty of the policemen to see that the laws, ordinances, and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have the power and authority vested in sheriffs and constables. They shall have the same fees on all processes and precepts executed and returned by them as allowed by law to sheriffs on like processes and precepts, and also such other compensation as the commissioners may allow, or the board of commissioners may pay said officer or officers salaries and provide that the fees may be paid into the town treasury. They shall at the end of every month pay to the town treasurer all fines, penalties, and forfeitures collected by them, and report the same to the commissioners under oath; said fines and penalties to be by the treasurer turned over to the county treasurer for school purposes. They may execute all warrants and other processes delivered to them by any justice of the peace of Montgomery County anywhere in Montgomery County. Before entering upon the discharge of their duties the commissioners may require them to enter into bond for the faithful performance of their said duties, in such sum as the commissioners may deem proper.

Fees.

Other compensation.

Settlements and reports.

Execution of process.

Bond of policemen.

Power to issue bonds.

Limit.

Denomination.

Maturity.

Interest.

Sale below par forbidden.

Use of proceeds.

Sec. 24. That the board of commissioners are authorized and empowered to issue bonds in such amount as it may deem necessary, not exceeding ten per centum of the assessed valuation of the real and personal property of the said town, said bonds to be issued in the name of the town of Mount Gilead, and of such denominations and payable at such times and places as the board of commissioners may designate, but running not less than ten nor more than forty years, and bearing interest at no greater rate than six per centum per annum, to be sold at a price not less than par, and the money arising from the sale of these bonds shall be used for public improvements, consisting of a system of waterworks, sewerage, and electric lights and power plant, municipal buildings, and grading and macadamizing the streets and placing concrete granolithic, or standard sidewalks in said town, and for such other improvements as in their discretion the board may deem for the best interests of the town, as well as for purchasing the necessary property and acquiring all rights, privileges, and powers necessary for the proper maintenance, use, and operation of such improvements.

Water, light, and power plants.

Sec. 25. That the said board of commissioners shall have the power to purchase, acquire, hold, lease, manage, control, and create, and to sell, lease, and dispose of to such person or persons, corporation or corporations, and for such price or prices and on such terms and conditions as the commissioners may deem proper, water, electricity, water rights, powers, privileges, and appropriations for milling, manufacturing, domestic, and other

uses and purposes; and to develop, control, generally deal in and dispose of to such person or persons, firm or firms, corporation or corporations, as to the commissioners may seem proper, electrical and other power, for the generation, distribution, and supply of electricity for light, heat, and power, and for any other uses and purposes to which the same are adapted, and to this end all purchases of property within or without the corporate limits which may hereafter be made for these purposes are hereby authorized.

Bonds issued to be approved by voters.

Sec. 26. That none of the said bonds shall be issued until approved by a majority of the qualified voters of the said town at public election, to be held at such time or times and under such

Ballots.

regulations as the board of commissioners shall prescribe, at which election or elections those favoring the proposed issue of bonds shall vote a written or printed ballot with the word "Issue" on it, and those opposing shall vote a written or printed ballot with

Proviso: supplemental bond issues.

the words "No Issue" on it: *Provided, however,* that when a bond issue has been voted for a specific purpose, and the said issue shall prove to be insufficient for the purpose for which said bonds were voted, then the board of commissioners may, in their discretion, issue a sufficient amount of bonds to complete the purchase for which said bonds were issued, not exceeding twenty per centum of the amount of bonds authorized by the election aforesaid.

Permanent street improvements.

Sec. 27. That the said board of commissioners shall have full power and authority under their ordinances to grade, pave, macadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, and public alley of said town; to put down curbing, cross-drains, and crossings on the same.

Improvement districts.

Sec. 28. That the board of commissioners of said town shall have full power and authority to adopt by ordinances such a system of laying out districts or sections of streets and sidewalks for permanent improvements within said town, and equalizing assessments on real estate to pay the costs of paving such sidewalks as may be improved, not exceeding fifty per centum of the cost of

Assessments on abutting property.

paving said sidewalks; and in order to more fully carry out the duties imposed by this act, said board of commissioners shall have power to pass ordinances assessing not exceeding one-half the cost of paving said sidewalks within such district or section laid out for improvement on the real estate abutting on such sidewalk:

Proviso: location of sidewalk.

Provided, however, that such sidewalk is built along business or residence property which has been or may be allotted for such purpose.

Assessment a lien on property.

Sec. 29. That said one-half of the cost of paving the said sidewalks, as above provided for, shall be taxed against the property-owners owning lots abutting said sidewalks according to the frontage of said lots, and shall be a direct charge in favor of the

Payment by installments.

town of Mount Gilead against said lots; and the owners of said

lots shall pay to the said town in five annual installments, with interest added, at the same rate the town shall have to pay on bonds issued for such improvements, and be recorded in a book kept for that purpose by the town clerk, and placed on the town tax book and annually as taxes against said property, and to be collected as other taxes are collected in the said town. Record of liens.

Sec. 30. That the present mayor and board of commissioners and all other officers of said town shall hold their several offices under this charter, with powers of resignation, election, and appointment, as provided in the general law and until their successors are elected and qualified as provided in this charter; and all ordinances, by-laws, rules and regulations for the government of said town now in force shall remain in force until regularly repealed by the board of commissioners. Present officers continued. Ordinances, by-laws, rules, and regulations.

Sec. 31. The tax list of the town of Mount Gilead shall be made out under the direction of the commissioners of the said town as hereinbefore provided and placed in the hands of the chief of police or tax collector of the said town on or before the first day of September in each year, and the taxes of the said town shall be due and payable on the first day of September in each year. Tax lists. When taxes due.

Sec. 32. The taxes assessed by the said town shall be a lien upon the real estate of the taxpayer owing the same until paid. Lien of tax on real estate.

Sec. 33. That if the taxes assessed against any taxpayer by the said town for any year shall remain unpaid until the first day of November after they become due, the chief of police or tax collector of said town shall, by virtue of the tax list in his hands, levy upon any personal property belonging to the taxpayer or so much thereof as may be necessary to pay said delinquent taxes, and sell the same after ten days notice of time and place of sale posted at the mayor's office in the said town of Mount Gilead and three other public places in said town; and there shall be served by the said chief of police or tax collector a written or printed notice to said delinquent taxpayer of the said time and place of sale. From the proceeds of said sale the said chief of police or tax collector shall pay the taxes due by said delinquent taxpayer to the said town and the costs of the sale, which shall not exceed one dollar, and the balance, if any, paid to the said delinquent. Collection of tax by distress. Levy and sale of personal property.

Sec. 34. That if there be insufficient personal property of the delinquent taxpayer to satisfy the taxes due by the said delinquent, it shall be the duty of the said chief of police or tax collector to attach any debt or other property incapable of manual delivery, due or belonging to the person liable or that may become due before the expiration of the calendar year, and the person or corporation owing such debt or having such property in possession shall be liable for said tax to the extent of the debt owing or the property held by him, and said liability of the said person or Attachments on debts and other property.

corporation shall be discharged to the delinquent by the payment of the said tax and the costs of the attachment to the amount of the same. The proceedings in the case of attachment as herein provided shall be the same as now allowed by the law for the collection of the State and county taxes.

Proceedings in attachment.

Sale of real estate for taxes.

Sec. 35. Should any taxes assessed by the said town as provided in this act remain unpaid until the first day of April after they become due, it shall be the duty of the said chief of police or tax collector to sell for cash any real estate in said town belonging to the delinquent taxpayer, the said sale to occur at the mayor's office in the town of Mount Gilead on the first Monday of May of each year after the said taxes become due, after advertising the time and place for thirty days in some one or more public newspapers published in Montgomery County and by giving notice of the said sale to the delinquent taxpayer through the mail thirty days before the said sale, and the said chief of police or tax collector shall also post notice of the sale at the mayor's office in the town of Mount Gilead thirty days before the said sale. When any purchaser shall bid off the land at said sale, he shall immediately pay the amount bid by him to the said chief of police or tax collector, who shall give the purchaser a certificate substantially the same as that form given by the sheriff upon a sale by him of land sold for State and county taxes. The purchaser shall pay to the said chief of police or tax collector a fee not exceeding fifty cents for the said certificate, and the same shall be signed by the said chief or tax collector. The said chief of police or tax collector shall keep a book showing the lands sold by him for taxes, the name of the purchaser, and the sum for which each tract was sold and the amount paid for the said certificate. The owner of any land sold for taxes as aforesaid, or any person having an interest in the same, may redeem said land at any time before the first day of January next after said sale: *Provided*, said owner or interested person shall pay said person twenty per cent on the amount paid by him on account of the taxes and certificate aforesaid. And any chief of police or tax collector who shall be directly or indirectly concerned personally in the purchase of any real estate sold by him for the taxes shall be guilty of a misdemeanor.

Certificate of purchase.

Fees.

Record of sales.

Time for redemption.

Proviso: penalty.

Officers personally interested guilty of a misdemeanor.

Deeds to unredeemed land.

Sec. 36. Unless the land sold for taxes as provided in the preceding section shall be redeemed by the time limited therein, the said chief of police or tax collector shall execute to the purchaser and his heirs and assigns a deed conveying the land sold by him for the taxes upon the production of the certificate calling for the same; and upon the loss of any certificate, on being fully satisfied thereof by due proof, the said chief of police or tax collector shall execute and deliver the proper conveyance. The deed made by the said chief of police or tax collector as herein provided shall be substantially the same in form as executed by

sheriffs upon a sale by them of land sold for the nonpayment of the State and county taxes.

Sec. 37. That all laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 38. This act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 134.

AN ACT TO AUTHORIZE THE TOWN OF HENDERSON TO ISSUE BONDS FOR STREET PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of providing funds to lay out, open, construct, improve, and repair streets, sidewalks, and bridges within the town of Henderson, in Vance County, the board of commissioners of that town are hereby authorized and empowered to issue bonds of said town, from time to time as they may be needed, to an amount not exceeding one hundred thousand dollars; such bonds to be of the denomination, form and tenor, executed and transferable in such manner, and payable at such place or places and at such time or times, not exceeding forty years from the date thereof, as said commissioners may determine. They shall bear interest at a rate not exceeding five per centum per annum, for which semiannual interest coupons shall be attached to the bonds, payable at such time and place as may be stated on the face thereof.

Purpose of issue.

Bond issue authorized.

Amount.

Denomination.

Maturity.

Interest.

Sec. 2. None of the bonds authorized by this act shall be sold or otherwise disposed of for less than their par value, nor shall the same or the proceeds thereof be used for any other purposes than those provided herein.

Sale below par forbidden.

Specific appropriation of proceeds.

Sec. 3. For the purpose of paying principal and interest of such bonds as they respectively mature, the board of commissioners of said town shall annually, at the time of levying other town taxes, levy a special tax on all persons and property taxed for general town purposes, which shall raise a sum sufficient to pay the interest on such bonds as the same shall become due and payable and provide for the principal thereof at maturity, which shall be collected as other town taxes, and shall be kept separate from all other taxes or funds and applied exclusively to the purposes herein named. All moneys derived from such taxes that may not be necessary to pay the interest on such bonds and cannot be applied to the purchase or discharge of such bonds at par and accrued interest shall be invested so as to secure the payment of the principal of such bonds at maturity.

Special tax.

Specific appropriation.

Investment of sinking fund.

Bond issue to be approved by voters.

Sec. 4. Before any of the bonds herein authorized shall be issued the same shall first be approved by a majority vote of the qualified voters of the town, at an election to be called by the board of commissioners, who shall give thirty days notice thereof in some newspaper published in the town, at the courthouse door of Vance County, and at four public places in the town. The commissioners shall appoint a registrar and two judges of election for each ward of the town, who shall hold and conduct such election and ascertain and declare the result in their respective wards in the manner prescribed for the election of mayor in said town. The commissioners may order a new registration of voters, in their discretion, and include such order in the published notice of election, which shall also state the amount of bonds proposed to be authorized. Those qualified voters who shall approve such issue of bonds and the levy of a special tax to pay the same shall vote a written or printed ballot with the words "For Street Bonds" thereon; those opposed shall vote a like ballot with the words "Against Street Bonds" thereon. The registrars and judges of election of the several wards of the town shall meet at the town commissioners' hall at ten o'clock in the morning of the day following such election and ascertain and declare the result thereof from returns which shall be made to them by the registrars and judges of the several wards, and make report thereof to the town commissioners, who shall cause the same to be entered upon their minutes. The power herein conferred shall not be nullified by an adverse vote thereon, but the question of issuing such bonds and levying a special tax for the payment thereof may be resubmitted from time to time as the commissioners may determine, at least one year intervening between such elections, until the qualified voters of the town shall approve of such issue of bonds and the levy of special taxes for the payment thereof.

Notice of election.

Election officers.

Law governing election.

Registration.

Ballots.

Canvass of returns.

Further elections.

Interest to cease on maturity.

Sec. 5. The bonds and coupons herein authorized shall not bear interest after maturity unless payment thereof shall be demanded and refused.

Other statutes not affected.

Sec. 6. Nothing in this act shall be construed as limiting the powers conferred in any other act concerning the town of Henderson, nor as affecting the powers or rights of the town contained in its present charter or which may be conferred by any amendment or renewal thereof at the present or any subsequent session of the General Assembly.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 135.

AN ACT TO FURTHER AMEND THE CHARTER OF THE TOWN OF RHODHISS.

The General Assembly of North Carolina do enact:

Section 1. That section one (1) of chapter one hundred and four of the Private Laws of one thousand nine hundred and five be amended by adding at the end of said section the following: "And to also include those certain lands in Burke County sold and conveyed by A. L. Wilson and wife, Rachel Wilson, to the Rhodhiss Manufacturing Company by deed dated October twenty-third, one thousand nine hundred and six, and duly recorded in the register's office of Burke County, North Carolina, in Book A, number three, page four hundred and six *et seq.*" Additional territory.

Sec. 2. That section two (2) of chapter one hundred and four of the Private Laws of one thousand nine hundred and five be amended by adding at the end of said section the following: "And to also include those certain lands in Burke County sold and conveyed by A. L. Wilson and wife, Rachel Wilson, to the Rhodhiss Manufacturing Company by deed dated October twenty-third, one thousand nine hundred and six, and duly recorded in the register's office of Burke County, North Carolina, in Book A, number three, page four hundred and six *et seq.*" Additional territory.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 136.

AN ACT AUTHORIZING THE ERECTION OF A STEEL BRIDGE ACROSS NORTH TOE RIVER AT OR NEAR THE VILLAGE OF PLUM TREE IN AVERY COUNTY, AND TO PROVIDE FOR THE BORROWING OR SECURING THE MONEY THEREFOR.

Whereas the citizens of the village of Plum Tree, in said Avery County, have agreed to contribute one thousand dollars towards the cost of building a steel bridge across North Toe River at or near Plum Tree in Avery County, that is, the payment of four hundred dollars in cash and the execution of their notes for six hundred dollars, due and payable, two hundred dollars each year for three years; and whereas the county commissioners will, upon said conditions being met by such citizens, proceed immediately to the building and erection of the said bridge, and lend the credit of the said county for the purpose of securing the necessary funds: Now, therefore, Preamble: contribution by village. Preamble: contribution by county.

The General Assembly of North Carolina do enact:

Payment of contribution by village.

Section 1. That whenever the citizens of Plum Tree shall pay into the treasury of Avery County the sum of four hundred dollars, and shall execute their notes with solvent surety, bearing six per cent interest, to the said county of Avery or the commissioners thereof in their official capacity, in the sum of six hundred dollars, due and payable two hundred dollars each year for three years, then the said board of commissioners of said Avery County are hereby authorized and directed, and this duty shall be mandatory on their part, to proceed forthwith to the erection and building of a steel bridge across said North Toe River of sufficient strength and capacity to support the usual traffic, at a point at or near said Plum Tree; and to secure the necessary funds for such improvement, they are hereby authorized and directed to lend the credit of the said county of Avery, and may execute their bond, under the seal of the clerk of their board, for the necessary funds, which shall be due and payable in three equal installments covering a period of three years.

Erection of bridge ordered.

Location.

Execution of bond.

Special tax.

Sec. 2. That to raise sufficient revenue to pay off the said debt, the said commissioners are hereby authorized and directed to levy a tax on all real and personal property in said county, not to exceed three cents on the hundred dollars valuation of such property and nine cents on each poll for a period of years, sufficient to raise sufficient money to meet the said debt, interest, and costs.

Sec. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. That this law shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 137.

AN ACT TO AMEND AN ACT OF THE PRIVATE LAWS OF 1913, ENTITLED "AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS TO FUND ITS FLOATING INDEBTEDNESS," RATIFIED JANUARY 21, 1913, AND TO AMEND THE TITLE THEREOF BY RATIFYING CERTAIN PURPORTED OBLIGATIONS OF THE CITY OF ASHEVILLE AND PROVIDING FOR THE LEVY OF A TAX TO PAY THE PRINCIPAL AND INTEREST OF THE BONDS AUTHORIZED THEREBY.

The General Assembly of North Carolina do enact:

Section 1. That the title of an act ratified January twenty-first, one thousand nine hundred and thirteen, entitled "An act to authorize the city of Asheville to issue bonds to fund its floating

indebtedness," be and the same is hereby amended to read as follows: "An act to authorize the city of Asheville to issue bonds to fund its floating indebtedness and to levy a special tax for the payment of the principal and interest thereof, and to ratify certain purported obligations of the city of Asheville." Title as amended.

Sec. 2. That said act of the Private Laws of one thousand nine hundred and thirteen be and is further amended by adding thereto a new section, to be known as section 4 (*a*), which shall be as follows:

"Sec. 4 (*a*). That the following notes of the city of Asheville outstanding January first, one thousand nine hundred and thirteen, the same having been issued for necessary expenses of said city, be and the same are hereby ratified and confirmed as valid obligations of the city of Asheville, the principal and interest whereof may be funded and paid under this act; to wit: Notes confirmed as valid obligations.

Mission Hospital	September 18, 1908	$ 1,333.33
Flower Mission	September 18, 1908	1,333.33
Colston, Boyce & Co.	July 15, 1912	7,399.15
Colston, Boyce & Co.	July 29, 1912	7,667.42
Battery Park Bank	July 29, 1912	7,700.00
Battery Park Bank	July 30, 1912	14,000.00
Colston, Boyce & Co.	August 2, 1912	6,000.00
Colston, Boyce & Co.	August 3, 1912	6,995.83
Battery Park Bank	August 3, 1912	10,000.00
Colston, Boyce & Co.	August 7, 1912	7,000.00
Colston, Boyce & Co.	August 7, 1912	7,500.00
Battery Park Bank	August 7, 1912	3,000.00
American National Bank	August 9, 1912	2,500.00
Battery Park Bank	August 13, 1912	5,000.00
Battery Park Bank	August 16, 1912	2,000.00
Colston, Boyce & Co.	September 30, 1912	6,000.00
Battery Park Bank	October 1, 1912	2,000.00
County Board of Education	August 11, 1911	6,000.00
French Broad Quarry Company	April 20, 1912	479.93
Ball, Thrash & Co.	March 5, 1910	730.96
Colvin & Davidson	September 2, 1911	191.84
M. H. Kelly	September 1, 1911	303.53
Cathey Construction Company	January 6, 1912	164.74
Reynolds & Millard	May 11, 1912	871.41
Clyde S. Reed	June 8, 1912	1,014.02
Fanning & Folsom	June 15, 1912	183.35
Cathy Construction Company	June 15, 1912	49.04
Fanning & Folsom	June 28, 1912	173.93
Seagrave Company	July 1, 1912	5,259.00
Allport & Valentine	August 10, 1912	1,972.00
C. Sawyer	August 21, 1912	550.00
H. A. Brown & Co.	November 23, 1912	151.20
P. A. Setzer	November 23, 1912	669.75

Fanning & Folsom	August 24, 1912	$ 304.37
Pauly Jail Building Company	December 2, 1912	2,559.00
C. S. Reed	December 7, 1912	65.75
Southern Clay Company	October 15, 1912	489.88
Wells & Penland	December 14, 1912	187.10
John E. Patton	December 23, 1912	733.04
J. C. Arbogast	July 14, 1911	758.00
Colvin & Davidson	September 2, 1911	191.83
M. H. Kelly	September 1, 1911	303.54
Cathy Construction Company	January 6, 1912	164.75
M. H. Kelly	September 30, 1911	478.50
Fanning & Folsom	June 15, 1912	183.35
Cathy Construction Company	June 15, 1912	49.94
Fanning & Folsom	June 28, 1912	173.93
Fanning & Folsom	August 24, 1912	304.37
Cathy Construction Company	January 6, 1912	164.75
Fanning & Folsom	June 15, 1912	183.35
Cathy Construction Company	June 15, 1912	49.04
Fanning & Folsom	June 28, 1912	173.93
Fanning & Folsom	August 24, 1912	304.38"

Sec. 3. That said act of the Private Laws of one thousand nine hundred and thirteen be and is further amended by adding the following section, to be known as section 4 (*b*):

Open accounts validated.

"Sec. 4 (*b*). That the following indebtedness of the city of Asheville outstanding on open account January first, one thousand nine hundred and thirteen, the same having been incurred for necessary expenses of said city, be and the same are hereby ratified and confirmed as valid obligations of the city of Asheville, which indebtedness and interest thereon may be funded and paid under this act, to wit:

Gamon Meter Company, open account for meters	$ 538.15
Neptune Meter Company, open account for meters	1,728.70
H. W. Jones Manville Company, open account for market roof	343.33
Standard Oil Company, open account for paving material.	488.93"

Loans from sinking fund.

Sec. 4. That whereas the city of Asheville has caused loans to be made from its sinking fund to its general funds, which loans outstanding and unpaid January first, one thousand nine hundred and thirteen, amount to thirty-six thousand two hundred and sixty-four dollars and sixty-four cents, together with interest thereon; and whereas said sinking funds are held by the city of Asheville as trustee for the owners of the outstanding bonds of said city, such loans, in said amount, be and the same are hereby ratified and confirmed as obligations of the city of Asheville to said sinking funds, the principal and interest of which may be funded and paid under this act.

Sec. 5. That said act of the Private Laws of one thousand nine hundred and thirteen be and the same is further amended by adding a new section, to be known as section 4 (*c*), as follows:

"Sec. 4 (*c*). That the city of Asheville may issue not exceeding twenty-eight thousand dollars of the bonds authorized by this act for the purpose of borrowing money to be placed in the permanent street improvement fund, to be used for permanent street improvements to the extent authorized by the city charter. Bonds for permanent street improvements.

Sec. 6. That said act of the Private Laws of one thousand nine hundred and thirteen be and the same is further amended by adding a new section, to be known as section 4 (*d*), as follows:

"Sec. 4 (*d*). That the city of Asheville may issue not exceeding thirteen thousand dollars of the bonds authorized by this act for the purpose of borrowing money to be placed in the sewer funds, to be used for the purpose of paying off notes outstanding against said sewer funds, and that the same is hereby ratified and confirmed as obligations of the city of Asheville to said sewer funds, the principal and interest of which may be funded and paid under this act." Bonds for sewer funds.

Sec. 7. That the provisions of chapter four hundred and one of the Private Laws of one thousand nine hundred and five shall not apply to the provisions of this act. Law not applicable.

Sec. 8. That this act shall be in full force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 138.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WELDON, THE SAME BEING CHAPTER 83, PRIVATE LAWS OF 1891, TO CHANGE THE RATE OF TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That subsection one of section twenty-nine, page eight hundred and forty-seven of chapter eighty-three, Private Laws one thousand eight hundred and ninety-one, be amended by striking out the words "fifty cents," in line three of said subsection one, and inserting in lieu thereof the words "one dollar"; said subsection one as herein amended then reading as follows: Subsection amended.

"(1) On all real and personal property within the corporate limits, including money on hand, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding one dollar on every hundred dollars value." Tax rate on property.

Sec. 2. That subsection two of section twenty-nine, page eight hundred and forty-seven of chapter eighty-three, Private Laws one thousand eight hundred and ninety-one, be amended by strik- Subsection amended.

ing out the words "two," in line one of said subsection two, and inserting in lieu thereof the word "three," and by striking out the word "June," in line two of said subsection two, and inserting in lieu thereof the word "May"; said subsection two as herein amended then reading as follows:

Poll tax rate.

"(2) On all taxable polls a tax not exceeding three dollars a poll who may be resident of the town on the first day of May of each year."

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 139.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A SYSTEM OF WATERWORKS AND FIRE PROTECTION AND FOR THE BUILDING OF A TOWN HALL IN THE TOWN OF FARMVILLE, AND TO AUTHORIZE SAID TOWN TO ISSUE BONDS FOR SUCH PURPOSES.

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount.

Section 1. That the board of commissioners of the town of Farmville is hereby authorized and empowered to issue, to an amount not exceeding twenty-five thousand dollars, bonds in the name of said town, in such denominations and in such form as said board of commissioners may determine, with which to establish, construct, purchase, or otherwise secure and maintain a system of waterworks and fire protection and to construct, build, erect, purchase, or otherwise secure and maintain a city hall in and for said town.

Denominations.

Purpose of bond issue.

Maturity.

Sec. 2. That said bonds shall be made payable or redeemable at such place or places and at such time or times as may be hereafter determined by said board of commissioners, not exceeding thirty years from the date thereof.

Interest.

Sec. 3. That the said bonds shall bear interest at a rate not exceeding six per cent per annum from the date thereof with interest coupons attached, payable semiannually, at such place or places and at such times as may be hereafter determined by said board of commissioners.

Sale below par forbidden.

Sec. 4. That none of the bonds authorized by this act shall be disposed of either by sale, hypothecation, or otherwise, for a less sum than their par value, nor shall the said bonds or their proceeds be used for any other purpose or purposes than those declared in section one of this act.

Specific appropriation of proceeds.

Sale.

Sec. 5. That, subject to the provisions of section four above, the said bonds may be sold to the highest bidder therefor by the board of commissioners after having advertised for bids in some newspaper published in Pitt County, and also in one published in the

Advertisement for bids.

city of Raleigh, for the term of thirty days prior to sale, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the town of Farmville, who shall give such indemnity for the safe-keeping and disbursement of said fund as shall be required of him by said board of commissioners, and the said treasurer shall keep said fund separate and distinct from all other funds in his hands.

Bond of town treasurer.

Fund kept separate.

Sec. 6. That said bonds shall not be issued until authorized by a majority of the qualified voters of said town of Farmville at an election to be held on a date to be designated by the board of commissioners of the town of Farmville at any time after the ratification of this act, at which election those favoring the issuing of said bonds and the establishment of said system of waterworks and fire protection shall vote a written or printed ballot containing the words "For Waterworks and Fire Protection," and those opposing it a like ballot containing the words "Against Waterworks and Fire Protection"; and at which election those favoring the building of a city hall shall vote a written or printed ballot containing the words "For City Hall," and those opposing it a like ballot containing the words "Against City Hall"; and it shall be the duty of the said board of commissioners to give notice of the time, place, and purpose of said election once a week for four weeks next prior thereto in some newspaper published in the town of Farmville; and at said election the said board of commissioners shall provide two ballot boxes, in one of which shall be deposited the ballots "For Waterworks and Fire Protection" and "Against Waterworks and Fire Protection," and in the other, the ballots "For City Hall" and "Against City Hall"; and the said respective ballot boxes shall be designated by suitable signs provided for said purpose; that said election shall otherwise be held in like manner and under the same rules and regulations, so far as the same are pertinent and applicable, as the elections are held in said town for the election of municipal officers.

Bond issue authorized by voters.

Election.

Ballots.

Notice of election.

Ballot boxes.

Law governing elections.

Sec. 7. That if the powers hereby conferred and hereinbefore provided shall be exercised and a majority of the qualified voters of said town shall vote "For Waterworks and Fire Protection," and "For City Hall," then said board of commissioners shall issue said bonds, not exceeding said amount of twenty-five thousand dollars, which said bonds shall be signed by the mayor of said town, attested by the town clerk, and sealed with the corporate seal of said town; and the signature of the mayor and the town clerk may be printed or lithographed on the interest coupons attached to said bonds, and the said coupons shall become exempt from town taxation until they shall become due and tender of payment shall have been made; and the said coupons shall be receivable in payment of town taxes or any other debt due said town.

Issue of bonds.

Authentication.

Coupons receivable for town dues.

Effect of election.

Sec. 8. That if a majority of the qualified voters of said town shall vote "For Waterworks and Fire Protection," and shall fail to vote "For City Hall," or if a majority of the qualified voters of said town shall vote "For City Hall," and shall fail to vote "For Waterworks and Fire Protection," then the failure of either one of said measures to carry by a majority of the qualified voters of said town shall not affect the right and the power of said board of commissioners to issue bonds in the amount named and upon the conditions hereinbefore set out and declared for the purpose of establishing, constructing, purchasing, or otherwise securing and maintaining a system of waterworks and fire protection, or of constructing, building, erecting, purchasing, securing, and maintaining a city hall in and for said town, according as a majority of the qualified voters of said town shall by said election direct.

Special tax.

Sec. 9. That for the purpose of providing for the payment of said bonds and the interest coupons as the same shall become due, the said board of commissioners of said town is hereby authorized and empowered to levy and cause to be collected, annually, a tax not exceeding twenty cents on the one hundred dollars valuation of real and personal property and not exceeding sixty cents on all taxable polls in said town; and also, before the maturity of said bonds and for a sufficient length of time prior thereto, it shall be the duty of the board of commissioners of said town to set apart such a portion of said levy each year as may be necessary to pay off the principal of said bonds at maturity; and under the said levy constitutional equality between poll and property shall always be preserved, and the taxes so collected and levied shall be kept separate and apart from all other taxes, and shall be used for no other purpose than for the establishment, construction, purchase, and maintenance of a waterworks system and fire protection and for the construction, purchase, and maintenance of a city hall, both or either, as the majority of the qualified voters of said town by their vote at said election shall direct.

Constitutional equation.

Funds kept separate.

Specific appropriation.

Power to establish and maintain waterworks, fire protection, and city hall.

Sec. 10. That the board of commissioners of said town shall have power and authority to establish, construct, equip, and at all times maintain a waterworks system and fire protection and a city hall in and for said town, including all machinery and appliances necessary and incident to same; and it shall have full power to purchase and hold such real estate and personal property and acquire all such rights and privileges as may be necessary to enable it to build, erect, equip, and maintain such waterworks system and fire protection and city hall, both or either of them, in such a manner as to secure the full benefit thereof to said town and its customers within or near said town.

Sale of water.

Sec. 11. That the said board of commissioners, if a majority of the qualified voters of said town shall vote "For Waterworks and Fire Protection," upon the establishment of said waterworks and

fire protection system, is hereby authorized and empowered to sell water to the citizens of said town, and is authorized, in constructing and building said waterworks system, to build and maintain such water mains and provide such appliances and equipment as may be necessary for such purpose; and the said board is authorized and empowered to fix and charge such rate or price for said water as to said board shall appear just and proper, and shall have power to change said water rate from time to time as it may deem advisable; and all moneys arising from the sale of water shall be collected and paid over to the treasurer of the town of Farmville, and by him kept as a fund to be known as the "Waterworks and Fire Protection Fund," separate and distinct from all other funds received by him as treasurer, and the same shall be applied to the proper maintenance and equipment of said waterworks and fire protection system, and to the payment of said interest coupons and the said bonds, and shall be paid out for no other purpose: *Provided*, it shall be discretionary with said board as to whether such moneys shall be applied to the maintenance and equipment of said waterworks and fire protection system or to the payment of said interest coupons and the said bonds. And if the majority of the qualified voters of said town shall vote "For City Hall," then, upon the construction or building of same, any revenue that may be derived therefrom shall be paid over to the treasurer of the town of Farmville and by him kept as a fund to be known as the "City Hall Fund," separate and distinct from all other funds received by him as treasurer, and the same shall be applied to the maintenance and equipment of said city hall, and to the payment of said interest coupons and the said bonds: *Provided*, the application of said revenue shall be discretionary with said board in like manner as provided for the application of moneys arising from the sale of water as aforesaid.

Water rates.

Waterworks and fire protection fund.

Application of fund.

Proviso: alternative application.

City hall fund.

Application of fund.

Proviso: alternative application.

Sec. 12. That, if at the first election held under the provisions of this act, a majority of the qualified voters of said town shall not vote "For Waterworks and Fire Protection," or "For City Hall," or shall vote for the one and not vote for the other, then in either event the board of commissioners of said town may again submit at any time thereafter, not oftener than once in each two years, or, upon petition of one-fifth of the qualified voters of said town, shall again submit both of said questions or either of them to the qualified voters of said town, on the same notice and terms provided for the first election; and if a majority of the qualified voters of said town shall at any election so called vote "For Waterworks and Fire Protection," or "For City Hall," according as the question shall be submitted, then this act and all the provisions in same set out and contained shall be and remain in full force and effect and shall have the same force and effect as if no previous election had been held.

Further elections.

Use of funds in discretion of commissioners.

Sec. 13. That in any event, the money derived from the sale of said bonds shall be applied by the board of commissioners of said town to the building, construction, maintenance, and purchase of said waterworks and fire protection system and to the building and construction and purchase of a city hall, and in such proportions as the said board shall deem advisable and that the requirements of the town demand, the application thereof to be in the discretion of said board.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 140.

AN ACT TO AMEND CHAPTER 82 OF THE PRIVATE LAWS OF 1899, BEING THE CHARTER OF THE CITY OF NEW BERN AND AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-two of the Private Laws of one thousand eight hundred and ninety-nine be amended as follows:

Number of aldermen.

(*a*) That the word "twelve," in line three of section three thereof, be stricken out and the word "ten" be inserted in lieu thereof.

(*b*) That section five be amended so as to read as follows:

Division into wards.

First ward.

"Sec. 5. That the city of New Bern shall be divided into five wards, bounded and described as follows: First Ward, beginning at a point in Neuse River where the center line of Broad Street, extended, will intersect the channel of said river, and running thence westwardly with the center line of said Broad Street to the center line of Middle Street; thence southwardly with the center line of Middle Street to the channel of Trent River; thence eastwardly with the channel of Trent River to the channel of Neuse River; thence northwardly with the channel of Neuse River to the

Second ward.

place of beginning. Second Ward, beginning at a point in the channel of Neuse River where the center line of Broad Street, extended, will intersect said channel, and running thence westwardly with said center line of Broad Street to the center line of Handcock Street; thence northwardly with the center line of Handcock Street to the center line of Johnson Street; thence westwardly with the center line of Johnson Street to the center line of Metcalf Street; thence northwardly with the center line of Metcalf Street to the center line of Queen Street; thence eastwardly with the center line of Queen Street to the track of the Atlantic and North Carolina Railroad Company; thence northwardly and eastwardly with said track to said railroad company's freight

warehouse on Neuse River; thence eastwardly to the channel of Neuse River; thence southwardly with the channel of Neuse River to the place of beginning. Third Ward, beginning at a point in the channel of Trent River, where the center line of Middle Street, extended, will intersect said channel, and running thence northwardly with the center line of Middle Street to the center line of Broad Street; thence westwardly with the center line of Broad Street to the center line of Handcock Street; thence northwardly with the center line of Handcock Street to the center line of Johnson Street; thence westwardly with the center line of Johnson Street to the center line of Metcalf Street; thence southwardly with the center line of Metcalf Street to the center line of New Street; thence westwardly with the center line of New Street to the center line of George Street; thence southwardly with the center line of George Street to the channel of Trent River; thence eastwardly with the channel of Trent River to the place of the beginning. Fourth Ward, beginning at a point in the channel of Trent River where the center line of George Street, extended, intersects said channel, and running thence northwardly with the center line of George Street to the center line of New Street; thence westwardly with the center line of New Street to the center line of Queen Street; thence westwardly with the center line of Queen Street to the center line of West Street; thence northwardly with the center line of West Street and said center line, extended, to the center line of the right of way of the Atlantic and North Carolina Railroad Company; thence with the center line of said right of way northwestwardly to the boundary line of the city; thence with the northern and western and southern boundary lines of the city to the place of beginning. Fifth Ward, beginning at the intersection of the center line of West Street and the center line of Queen Street and running thence eastwardly with the center line of Queen Street to the center line of Bern Street; thence southwardly with the center line of Bern Street to the center line of New Street; thence eastwardly with the center line of New Street to the center line of Metcalf Street; thence northwardly with the center line of Metcalf Street to the center line of Queen Street; thence eastwardly with the center line of Queen Street to the track of the Atlantic and North Carolina Railroad Company; thence northwardly and eastwardly with said track to said railroad company's freight warehouse on Neuse River; thence eastwardly to the channel of Neuse River; thence with the eastern and northern boundary lines of the city to the center line of the right of way of the Atlantic and North Carolina Railroad Company; thence with the center line of said right of way southeastwardly to a point where the center line of West Street, extended, intersects the center line of said right of way; thence southwardly with the center line of West Street, extended, and the center line of West Street to the place of beginning."

Third ward.

Fourth ward.

Fifth ward.

(*c*) That the word "six," in line two of section six thereof, be stricken out and the word "five" be inserted in lieu thereof.

(*d*) That section sixty thereof be amended so as to read as follows:

Salaries of officers.

"Sec. 60. That the salaries of the officers of the city shall not exceed the following sums: The mayor, one thousand dollars per annum, without costs or fees; the treasurer, three hundred and sixty dollars per annum; the chief of police, one hundred dollars per month, without costs or fees; the city attorney, two hundred dollars per annum; the sextons of the cemeteries, thirty dollars each, per month; the policemen, seventy dollars each, per month."

Sec. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 141.

AN ACT TO AUTHORIZE THE TOWN OF LILLINGTON TO ISSUE BONDS FOR THE CONSTRUCTION OF A SEWERAGE SYSTEM.

The General Assembly of North Carolina do enact:

Bond issue authorized.
Amount.
Denominations.
Interest.
Maturity.
Proviso: bonds classified.
Authentication.
Coupons receivable for dues to town.

Section 1. That the commissioners of the town of Lillington be and they are hereby authorized to issue coupon bonds not to exceed in amount the sum of ten thousand dollars ($10,000) and in denominations of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), bearing interest from date of bonds at a rate not to exceed six per centum per annum and payable semiannually on the first days of January and July of each and every year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said commissioners and named therein, said date of payment not to be less than thirty years nor more than fifty years from the date of said bonds: *Provided, however*, that the said commissioners of the town of Lillington may divide said bonds into classes as they may determine best and have them mature at different convenient dates between thirty years and fifty years after the date of issue of said bonds. It is further enacted that said bonds and their coupons shall be numbered consecutively and the bonds shall be signed by the mayor of the town of Lillington and countersigned by the clerk of said town, and have the corporate seal of said town affixed thereto; and the coupons attached thereto shall bear facsimile signature of the mayor of said town engraved or lithographed thereon, and said coupons shall be receivable in payment

of any taxes due or to become due said town; that a record shall be kept of the said bonds, showing the numbers and denominations thereof, to whom sold, the dates of issuing thereof, when the same will mature, the interest rate thereof, the amount received from the sale of the same, the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as the board of commissioners may direct to be kept. Record of bonds.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold or hypothecated for less than their face value, and the treasurer of the town shall receive all moneys paid on account of the purchase of the bonds in his official capacity as treasurer of said town, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act, or as may otherwise be provided by the laws relating to the treasurer of said town; and it shall be the duty of the board of commissioners of said town of Lillington to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end they may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof may remove him from his office as treasurer. Sale below par forbidden. Treasurer to receive proceeds. Liable on bond. Bond of treasurer.

Sec. 3. That the treasurer of the town of Lillington shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended under the direction of the board of commissioners of the town of Lillington for the exclusive purpose of constructing and erecting a general sewerage system and sewage disposal plant for said town of Lillington. Funds kept separate. Specific appropriation.

Sec. 4. That for the purpose of erecting, constructing, and equipping a sewerage system for the said town, the commissioners of said town shall have authority to employ all such engineers, agents, and servants as they may deem necessary or expedient, and whenever necessary the board of commissioners, in the name of the town of Lillington, may acquire rights of way, easements, and such lands as may be necessary for the location of said sewerage system and disposal plant either within or without the corporate limits of the town of Lillington by condemnation, as is now or may hereafter be provided by law for condemnation of lands and rights of way by railroad companies: *Provided*, that this shall not prevent condemnation by any other method now authorized by the charter or by the general laws relating to said town of Lillington. Powers in constructing sewers. Condemnation of lands. Proviso: condemnation by other methods.

Sec. 5. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the board of commissioners of the town of Lillington shall levy and collect a special tax of not exceeding thirty-five cents on every Special tax. Limit of rate.

hundred dollars ($100) worth of taxable property in said town, and not exceeding one dollar and five cents on every taxable poll in said town, and the money paid into the city treasury received from the taxes under this act shall be appropriated for the payment of said bonds and coupons and for no other purpose whatsoever:

Specific appropriation.

Proviso: surplus to general fund.

Provided, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of said board of commissioners to the general fund of said town of Lillington.

Bond issue by majority vote of qualified voters.

Election.

Notice of election.

Ballots.

Law governing election.

Returns of election.

Canvass and record of returns.

Further elections.

Sec. 6. That the said board of town commissioners shall not issue the aforesaid bonds, nor any of them, nor levy nor collect the aforesaid tax, until it shall have been authorized and empowered to do so by a vote of a majority of the qualified voters of the said town of Lillington at an election to be held at such time and place as the said board of aldermen shall appoint, of which election a notice shall be given by public advertisement for thirty days prior to the day of election, in some newspaper published in the town of Lillington. At such election, those electors favoring the issue of said bonds and the levy and collection of said tax for the payment of the interest or coupons on said bonds, and for the payment of said bonds, shall vote a ballot with the words "For Sewerage Bonds" written or printed thereon, and those electors opposing the issue of said bonds and the levy and collection of said tax shall vote a ballot with the words "Against Sewerage Bonds" written or printed thereon. The said election shall be held as near as practicable in the manner prescribed for the election of mayor and commissioners of the said town of Lillington. The original returns of the result of the election shall be made by the election officers, or one of their number appointed by them for that purpose, to the board of town commissioners of said town, and said board of town commissioners shall, within three days after the said election, canvass the said returns and declare the result of the election, and the result of said election shall be inscribed upon the records of the said town. If at the election aforesaid a majority of the qualified voters of said town shall not vote in favor of issuing said bonds, then the board of town commissioners of said town may at any time, and as often thereafter as it deems best, not oftener, however, than once in any year, order another election on said question, to be held as near as practicable under the rules and regulations prescribed in the charter of said town for the election of mayor and town commissioners of said town, and after thirty days public notice thereof, and at each of said elections the ballot shall be as hereinbefore directed; and if at any such election a majority of the qualified voters of said town shall cast ballots in favor of the issuing of said bonds as aforesaid, then the said bonds shall be issued as may be required under the terms of this act

and the proceeds from the sale of said bonds shall be applied to the purposes and upon the terms and conditions hereinbefore stated in this act.

Supervision and control of works.

Sec. 7. That the town of Lillington, through its proper officers and agencies, shall have the entire supervision and control of any and all of the plants and works established or purchased under this act, and shall have power to protect all of its rights of way, easements, water rights, plants, and other property by proper ordinances, and shall do all other things necessary to carry into effect the true intent of this act.

Sec. 8. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 142.

AN ACT TO PREVENT DEPREDATIONS OF DOMESTIC FOWLS WITHIN THE CORPORATE LIMITS OF THE TOWN OF CLINTON, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Fowls running at large forbidden.

Section 1. That it shall be unlawful for any person in the town of Clinton, Sampson County, to permit any turkeys, geese, chickens, ducks, or other domestic fowls to run at large on the lands of any other person, except lands owned or rented by the owner of said fowls.

Permitting fowls to run at large after notification misdemeanor.

Punishment.

Public nuisance.

Complainant may kill fowls.

Sec. 2. That any person so permitting his fowls to run at large on another person's land after having been notified orally or in writing for one day, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five dollars for each offense, and if after one day's notice, as aforesaid, any person persists in allowing his fowls to run at large and fails or refuses to keep them on his own premises, then such fowls shall be deemed a public nuisance, and the person complaining shall have the right to have said fowls killed or to kill same when running upon his premises.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 143.

AN ACT TO AMEND THE CHARTER OF THE MOUNTAIN RETREAT ASSOCIATION.

The General Assembly of North Carolina do enact:

License taxes.

Section 1. That the managing committee of the Mountain Retreat Association shall have the privilege and power, and the power is hereby expressly granted to said managing committee of said association to levy, lay, and collect an annual license and privilege tax upon the following callings, professions, occupation, and the various kinds of business hereinafter mentioned.

Livery and transfer.

(1) On every person, firm, or corporation who shall carry on, engage in, or conduct a livery business or baggage transfer business in the town of Mountain Retreat, an annual tax not to exceed one thousand dollars.

Hucksters and peddlers.

(2) On all hucksters, peddlers and venders of chickens, eggs, fruits or vegetables, an annual license tax not to exceed fifty dollars.

Retailers of fresh meats.

(3) On all retail dealers in fresh meats, an annual license tax not to exceed one hundred dollars.

Boarding-houses.

(4) On boarding-houses, an annual license tax not to exceed one hundred dollars. The taxes on boarding-houses may be classified, levied and collected as said managing committee shall determine, either upon the basis of the gross income of boarding-houses, or so much per room, or on any other basis of taxation which shall be determined upon by said managing committee of said association.

Automobiles used in transfer.

(5) On each automobile used for the purpose of transporting passengers or baggage, an annual license tax not to exceed fifty dollars.

Merchants.

(6) On every person, firm, or corporation conducting a mercantile business in the town of Mountain Retreat, an annual license tax not to exceed one hundred dollars.

Trades, professions, occupations, and business.

Sec. 2. And the managing committee of said Mountain Retreat Association shall have the privilege and power, and power is hereby expressly granted to said managing committee of said association, to levy, lay, and collect from every person, firm, or corporation who shall engage in any trade, profession, occupation, or business within the territory or bounds of Mountain Retreat or the Mountain Retreat Association, an annual license or privilege tax in such sum and upon such basis of classification as shall be determined upon and adopted by the said managing committee of the said Mountain Retreat Association.

Application for license.

Sec. 3. Before any person, firm, or corporation shall engage in the conduct or carrying on of any business of any kind in the town of Mountain Retreat, or within the territory of the Mountain

Retreat Association, such person, firm, or corporation shall apply to said managing committee of said association for a license to engage in and carry on said business, and if such license shall be granted, then the said managing committee shall direct, authorize, and empower the manager or tax collector of said Mountain Retreat Association to issue to said person, firm, or corporation, a license to carry on, engage in, and conduct such business as shall be determined upon by said managing committee; and the tax collector or manager of said Mountain Retreat Association shall, upon the authority and direction of the managing committee, issue to said person, firm, or corporation an annual license to conduct such business, profession, or occupation as shall be allowed by the managing committee of said Mountain Retreat Association. Issue of license.

Sec. 4. No person, firm, or corporation shall engage in any business, trade, profession, or occupation within the town of Mountain Retreat, or within the territory of the Mountain Retreat Association, without first obtaining a license therefor from the manager or tax collector of the Mountain Retreat Association, and any person, firm, or corporation violating the provisions of this act and engaging in any business, trade, profession, or occupation without having in his possession a license therefor, signed by the tax collector or manager of the Mountain Retreat Association, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Doing business without license forbidden. Misdemeanor. Punishment.

Sec. 5. The managing committee of the Mountain Retreat Association shall have the right and privilege, and power is hereby expressly granted to it, to charge and collect fees and compensation from all persons entering the grounds or territory of said association, to attend the conferences, meetings, and assemblies, educational, religious, and literary, which shall be held and conducted upon the grounds of said association, and said managing committee is hereby expressly authorized and empowered to levy, charge, and collect fees and compensation from all persons entering the grounds of the Mountain Retreat Association during the period in which the summer conferences, meetings, and assemblies shall be in session, the fees and compensation for entering the grounds of the association, and for attending the conferences, meetings, and assemblies to be fixed and determined by the managing committee of said association and a schedule thereof posted at conspicuous places upon the grounds of the association and at the entrances to the grounds and territory of the said Mountain Retreat Association. Admission fees.

Sec. 6. The said Mountain Retreat Association shall have the right and power, and power is hereby expressly granted to the managing committee of said association, to pass, adopt, and establish ordinances, rules and regulations to promote the good government and general welfare of said association and the public and persons within its territory. Power to pass ordinances.

Violation of ordinances misdemeanor.

Punishment.

Sec. 7. That if any person, firm, or corporation shall violate any ordinance, rule or regulation duly passed and adopted by the managing committee of the Mountain Retreat Association, such person, firm, or corporation shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding thirty days or fined not exceeding fifty dollars.

Jurisdiction of recorder.

Sec. 8. The recorder, duly elected by the managing committee of the Mountain Retreat Association, is hereby clothed with all the jurisdiction of a magistrate or justice of the peace under the laws of North Carolina within the territory of the Mountain Retreat Association.

Rights vested in executive committee.

Sec. 9. That the executive committee of the Mountain Retreat Association, duly appointed by the managing committee of said association, shall be vested with all the authority and power granted by the laws of North Carolina to the managing committee of the Mountain Retreat Association.

Tax district.

Sec. 10. The board of county commissioners of Buncombe County are hereby authorized and fully empowered to establish the territory within the bounds of the Mountain Retreat Association as a tax district in the county of Buncombe, and the tax collector of Buncombe County is hereby authorized and empowered to appoint a tax collector to collect all taxes within the territory of the Mountain Retreat Association.

Deputy sheriff.

Appointment of deputy.

Sec. 11. The board of county commissioners of Buncombe County are authorized and fully empowered to employ a deputy sheriff for the territory included within the bounds and limits of the Mountain Retreat Association at such salary as shall be agreed upon between the county commissioners and such deputy sheriff; said deputy sheriff to be appointed by the Sheriff of Buncombe County upon the nomination and election of said board of county commissioners, and shall be clothed and vested with all the power and authority of deputy sheriffs under the laws of North Carolina.

Sec. 12. This act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 144.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Former charter repealed.

Section 1. That chapter one hundred and twelve and chapter two hundred and eighty-three of the Private Laws of North Carolina, session of one thousand nine hundred and nine, being the charter of the town of North Wilkesboro, be and the same is hereby repealed, and the following enacted in lieu thereof:

Sec. 2. That the inhabitants of the town of North Wilkesboro shall be and continue, as they have been, a body politic and corporate, and the corporation shall bear the name and style of the Town of North Wilkesboro, and as such have perpetual succession, and under such name and style shall have all the franchises, powers, property and rights of property which now belong to said corporation under any other name or names heretofore, and be subject to all its present liabilities heretofore assumed, by bond issue or by reason of any election heretofore held authorizing a bond issue, or any other legal or valid liability heretofore assumed; and by this name may acquire and hold all such estates as may be devised, bequeathed, sold, or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell, or dispose of same, and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights, privileges, franchises, and immunities necessary or belonging to or usually appertaining to municipal corporations, and especially shall have and be subject to all the provisions, powers, and privileges contained in chapter seventy-three of the Revisal of North Carolina, one thousand nine hundred and five, and statutes amendatory thereof not inconsistent with this act. Incorporation. Corporate name. Corporate powers and obligations revested. Application of general law.

Sec. 3. That the corporate limits of said town shall be as follows: Beginning at a point in the center of Yadkin River, and one and one-fourth miles east of the east end of the original Northwestern North Carolina Railroad depot (as originally located and built), measured on center line of said railroad; thence running north twenty-seven degrees and twenty-seven minutes west, crossing a stone corner, and thence to and crossing said center line of said railroad at or near station three thousand eight hundred and sixty-five, as per the survey of said railroad, one mile from the center of said river to a stake; thence south sixty-two degrees and thirty-three minutes west, crossing the Trap Hill Road to Hopper's Branch; thence down said branch to its mouth at Reddies River; thence down the center of said river to a point opposite a stake, the corner between the lands of T. B. Finley and the land conveyed to the town of North Wilkesboro by the Winston Land and Improvement Company by deed dated February first, one thousand nine hundred and twelve, and of record in the office of the register of deeds for Wilkes County, in Book of Deeds number eighty, page five hundred and seventy-three; thence westwardly across said river to said stake; thence north eighty-five degrees thirty-six minutes west three hundred and thirty feet to a stake, the corner of the J. T. Finley, Sr., land, the T. B. Finley land, and the land of the town of North Wilkesboro; thence south thirty-three degrees and fifty minutes east one thousand and twenty-three feet, more or less, to a stake; thence south sixty-nine degrees twenty-nine minutes east one Corporate limits.

hundred and seventy-four feet to a stake; thence south forty-two degrees thirty-nine minutes east one hundred and seventy-three feet to a stake; thence south twenty-eight degrees twenty-two minutes east nine hundred and twenty-nine feet to a stake; thence north fifty-four degrees three minutes east two hundred and sixty feet to a stake on the bank of Reddies River; thence to the middle of Reddies River and down the center of the same to the line of the old Hackett Mill tract, now the land of the town of North Wilkesboro, as per deed from the Gordon Manufacturing and Power Company, to the town of North Wilkesboro; thence with the outer northwestern, western, southwestern, and southern lines of said tract, back to the center of Reddies River below the Hackett old mill (now the North Wilkesboro power plant); thence down the center of Reddies River to its intersection with the Yadkin River; thence down the center of the Yadkin River to the point of beginning.

Governing body. Election.

Sec. 4. That the governing body of said town shall consist of a mayor and five commissioners, who shall be elected on the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, by the qualified voters of said town, which election shall be held and conducted in the manner prescribed by law for holding municipal elections. Said officers shall qualify within five days after their election; and if any person so elected as mayor or commissioner shall refuse to qualify and act, he shall forfeit and pay the sum of twenty-five dollars, one half to the person who shall sue for the same and the other half to the school fund of Wilkes County.

Law governing elections. To qualify within five days. Forfeit for refusal to qualify and act.

Mayor pro tempore.

Sec. 5. That if any person who shall be elected mayor shall fail or refuse to qualify, or if there be a vacancy in the office from any cause, the board of town commissioners shall elect some qualified voter of the town to fill such vacancy; or if the mayor shall be temporarily absent from the town or be unable to discharge the duties of his office, from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore;* and likewise, in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some qualified voter of the town to fill the vacancy.

Commissioners to fill vacancies.

Officers to be sworn.

Sec. 6. That the mayor, commissioners, and every other officer of the town of North Wilkesboro (whether elective or appointive), before entering upon the duties of his office, shall take, subscribe, and have entered upon the minute-book of the town commissioners the following oath of office:

Oath of office.

I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully perform and

discharge the duties of the office of ..... on which I am about to enter, according to the best of my skill and ability: so help me, God."

"Subscribed and sworn to before me, this the .... day of ....., 19.."

Mayor chief executive. To preside at meetings. Voting power.

Sec. 7. The mayor of the town of North Wilkesboro shall be the chief executive officer thereof, and shall preside, when present, at all meetings of the board of commissioners thereof, and he shall have the right to vote only in case of a tie vote of the commissioners present upon any question, but shall not be allowed to vote in any other case. If he shall be absent at any such meeting of the board of commissioners, the board may appoint one of their own number to exercise *pro tempore* his duties at such meeting; and in the event of his extended absence, the board of commissioners may appoint one of their own number to exercise *pro tempore* all his duties. The mayor shall see that all the laws and ordinances of the town are faithfully executed; that the employees, agents, and other officials of the town promptly and faithfully perform their respective duties, and he shall be charged with the general oversight and superintendence of every department of the town government. He shall, from time to time, if in his opinion it may be either desirable or necessary, make written reports to the board of commissioners touching any matter herein committed to his charge or oversight; and suggest remedies for any abuses that may be found to exist in any of the departments of the town government. He shall see that the board of commissioners are kept advised as to the condition of the streets in the town, and that all work thereon is faithfully and efficiently performed. He shall have the right to attend the meetings of all committees appointed by himself, or elected by the board of commissioners, and must, at or shortly before the meeting of the board of commissioners in the month of June of each year of his administration, submit a report summarizing the principal events, transactions, and public improvements begun or completed during the next preceding year, and make any recommendations therein which, in his opinion, may prove of benefit to the town or to the public service. He shall have general custody, direction, supervision, and control of all the public employees, work and works, improvements, grounds, buildings and property of the town not otherwise provided for by this act or by law. All written reports or recommendations of the mayor shall be preserved by the town clerk in the archives of the town, and copied upon the public records thereof. He shall have the right and power at any time to suspend or remove from office, for misconduct or neglect of duty, any officer or employee of the town, until the next regular meeting of the board of commissioners, when he shall report to them his said action, and the board of commissioners may, in their discretion, affirm the action of the mayor, or, for good cause

Mayor pro tempore.

Execution of laws and ordinances. Supervision of officials and departments.

Written reports.

Remedies for abuses.

Condition of streets.

To attend meetings of committees.

Annual reports.

General custody and control.

Record of reports and recommendations.

Power to suspend or remove officers.

shown, reinstate the said officer or employee after a full investigation of the cause of said suspension or dismissal.

Mayor constituted special court. Jurisdiction and powers.

Sec. 8. The mayor of the town of North Wilkesboro is hereby constituted a special court with the following jurisdiction and powers in criminal offenses occurring within the limits of said town and within two miles from the corporate limits thereof (except in the corporate limits of the town of Wilkesboro), which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, all persons to be arrested who are charged with the commission of crime, or convicted of such in other counties or States, who may be found within the corporate limits of said town or within two miles thereof, as hereinbefore set out, and may bind and imprison the same to appear at the proper tribunals to answer for their offenses. He shall have jurisdiction to issue processes, warrants, and other orders of arrest, and shall have original jurisdiction to hear and determine all charges of the violations of the ordinances and regulations of the said town, and to punish the persons convicted thereof, and in general have the powers conferred upon mayors by the laws of the State of North Carolina.

Jurisdiction as to town ordinances.

Jurisdiction as to misdemeanors.

Sec. 9. That the mayor of the town of North Wilkesboro shall have final and exclusive original jurisdiction of all misdemeanors occurring or committed within the town of North Wilkesboro or in two miles of the corporate limits of the town of North Wilkesboro (except in the limits of the town of Wilkesboro as hereinbefore set forth), as follows, to wit: Carrying concealed weapons; gaming; keeping gambling houses; keeping bawdy-houses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the article does not exceed twenty dollars; failure to list town taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; selling or giving away intoxicating liquors to minors or a minor; and all offenses against the prohibition laws as contained in chapter seventy-one of the Public Laws of the extra session of the Legislature of North Carolina of the year one thousand nine hundred and eight, and acts amendatory thereof; selling or giving away cigarettes to a minor; obtaining advances by false pretenses; disposing of mortgaged property; retailing cocaine without a license; and all crimes against the public health, as contained in the Revisal of one thousand nine hundred and five of North Carolina, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive, and all misdemeanors as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five of North Caro-

Offenses declared petty misdemeanors.

lina and acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year, and all crimes which under the common law are misdemeanors wherein the punishment is in the discretion of the court. All of the foregoing offenses are hereby declared to be petty misdemeanors.

Court of record.

Sec. 10. That the said mayor's court of the town of North Wilkesboro is hereby declared to be and is hereby made a court of record; the clerk of the board of commissioners of the town of North Wilkesboro shall be the clerk of said court, and shall keep a record of the proceedings thereof, and in said record shall enter the names of all persons tried before the said court, making a separate file of the papers in each case; the seal of the town of North Wilkesboro is hereby made the seal of the mayor's court.

Clerk.

Records and files.

Seal.

Officers to whom process may issue

Sec. 11. That the mayor may issue his precepts, process, and warrants to the chief of police of the town of North Wilkesboro and to such other officers of the county of Wilkes to whom a justice of the peace may issue his precepts (including the sheriff of the county), and the same may be served by the police officers of the town or other officer authorized to serve process, anywhere in the county of Wilkes; and such process, when attested by the seal of the said court, as hereinbefore adopted, shall run anywhere in the State of North Carolina and shall be executed by all officers according to law; and any person convicted by virtue of any warrant, process, or proceeding in said court shall have the right of appeal to the Superior Court of Wilkes County, and upon such appeal the trial in the Superior Court shall be *de novo*.

Service of process.

Right of appeal.

Clerk to issue process and administer oaths.

Sec. 12. The clerk of the board of commissioners of the town of North Wilkesboro, in his capacity as clerk of the mayor's court of said town, is hereby authorized to issue any and all process, warrants, and subpœnas which the mayor of said town is herein or by law authorized to issue, and to administer to the complainants the necessary and proper oaths prior to the issuing of said process. All such process which shall be issued by said clerk shall be made returnable before the mayor of the town of North Wilkesboro in like manner as process issued by such mayor, and any and all officers are authorized to serve and execute all such process as shall be issued by the said clerk: *Provided*, nothing herein contained shall be construed to authorize such clerk to try any person for any offense.

Process returnable before mayor.

Proviso: clerk not to try cases.

Jurisdiction in preliminary hearings.

Sec. 13. In all cases heard by the mayor under the provisions of this act, as committing magistrate, against any person or persons for any offense whereof the said mayor's court has not final jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Wilkes County for the trial of criminal cases, and in default of such bond or recognizance such person or persons

Commitment in default of bail.

shall be committed to the common jail of Wilkes County, to await trial as aforesaid: *Provided*, in all capital offenses said person or persons shall be committed to the common jail of said county without bail.

Proviso: commitment without bail.

Sentences.

Sec. 14. When any person is convicted or pleads guilty of any offense of which said mayor's court has final jurisdiction, the said mayor may sentence said party to the common jail of Wilkes County and assign him to work on the public roads of said county or on the streets or other public works of the town of North Wilkesboro, as provided by law.

Fees.

Sec. 14. In each case disposed of by the mayor in said court, where the defendant is convicted or pleads guilty, there shall, in addition to other lawful costs as now fixed by law, be allowed the following fees, to be taxed as a part of the costs against the defendant, viz.: For the mayor as judge of said court, two dollars; and for the clerk, the same fees as are now allowed to clerks of the Superior Court in similar cases: *Provided*, that in the trial of cases in which a magistrate has final jurisdiction, the fees allowed to the mayor shall be one dollar, and the clerk shall be allowed only costs for issuing subpœnas for witnesses; all such fees, when paid by the defendant, to be retained by the officers to whom they shall belong, according to the provisions of this act. All fines collected shall be paid by the clerk of said town, acting as clerk of the mayor's court, to the county treasurer, as provided by law, and his receipt for same shall be filed by said clerk and duly reported to the mayor and board of commissioners as required by the said board. Said mayor's court shall have the same power to punish for contempt and as for contempt as is given the Superior Courts of this State under chapter seventeen of the Revisal of nineteen hundred and five of North Carolina, and the procedure in such matters shall be the same as is now provided for said Superior Courts. All judgments and orders of the mayor, sitting as a court as herein provided, shall remain *in fieri* for ten days next after the day upon which said judgment or order is announced, and during that period the mayor shall have the power and authority to make such changes and modifications in said judgment or order as in his judgment are necessary or just, and with like effect as if made at the time of announcement of the original judgment or order.

Proviso: fees in cases within magistrate's jurisdiction.

Fees to use of officers.

Settlement of fines.

Power to punish for contempt.

Judgments in fieri.

Commissioners one board.
Quorum.
Meetings.

Sec. 15. That the commissioners shall form and be one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners. Within five days after their election they shall convene for the transaction of business, and they shall hold stated meetings with the mayor as presiding officer, on Tuesday after the first Monday of each and every month during their term of office. Special meetings may be held on the call of the mayor or a majority of the commissioners, and of every such special meeting those not joining in the call shall be

Special meetings.

notified in writing, if within the town at the time of such call, said notice to be served by the town policeman. At their first meeting they shall elect a clerk and treasurer, also a chief of police and such assistant policemen and other officers as they may deem necessary. Each of said officers and policemen shall be a qualified elector of the town of North Wilkesboro and shall serve for the term of the mayor and board of commissioners, or until his successor is elected and qualified, unless he or they are sooner suspended by the mayor as hereinbefore provided and removed by the board of commissioners for cause, of which cause the said mayor and board of commissioners shall be the sole judges.

Election of clerk, treasurer, and police.

Qualifications and terms of officers.

Sec. 16. *Duties of the board of commissioners.* That the board of commissioners for said town is hereby fully authorized and empowered to do and perform all and singular the following acts (as well as such acts and duties as are authorized in the Revisal of North Carolina of one thousand nine hundred and five, chapter seventy-three, and acts amendatory thereof):

Acts authorized.

Powers and duties under general law.

1. To make and publish all needful ordinances, rules and regulations for the peace, good order, and government of the town.

Ordinances, rules, and regulations.

2. To suppress and remove nuisances and to make all necessary rules and regulations to preserve the health of the inhabitants of the town from contagious, infectious, or other diseases.

Suppress and remove nuisances.

Health rules.

3. To prevent vagrancy, and any person not engaged in any lawful occupation and who spends his time in gambling or loafing about the streets, without visible means of support, shall be considered a vagrant.

To prevent vagrancy.

Vagrant defined.

4. To lay out and open new streets, alleys, and sidewalks, and to provide for the proper grading of same and the maintenance and repair thereof, as well as to provide for the proper drainage of the town: *Provided*, no streets shall be laid out in any subdivision of the town without the approval of the commissioners.

Streets, alleys, and sidewalks.

Proviso: streets in subdivisions.

5. To provide and maintain proper sewerage systems throughout the town, and to regulate and provide for the disposal of the sewage and garbage of the town so as to protect and preserve the public health thereof.

Sewerage system.

Disposal of sewage and garbage.

6. To extend, widen, straighten, grade, or otherwise improve any street or sidewalk or alley now existing in said town (but not so as to materially change or interfere with the plan of streets as now laid out and shown on the Winston Land and Improvement Company's maps and supplemental maps of said town as heretofore platted, published, and recorded), and to this end it shall have the power and authority to remove or cause to be removed any and all obstructions in or on said streets and sidewalks, no matter whether such obstructions be of a temporary or permanent kind, or caused by porches, sheds, fences, gates, buildings or parts of buildings erected in, on, upon, or over any of said streets and sidewalks.

Improvement of streets, sidewalks, and alleys.

Discontinuance of streets and alleys.

7. And they shall have power at any time to discontinue any street or streets or any part of any street or streets or public alley or any part thereof, the commissioners being the sole judges of the necessity therefor: *Provided*, that the commissioners shall not sell or quitclaim any street or streets heretofore dedicated to the town of North Wilkesboro, to any person or persons or company for private use.

Proviso: sale forbidden.

Fire apparatus.

8. To contract for, purchase, keep in repair, and provide for the use of all such engines, hose, or other apparatus or appliances for the prevention and extinguishment of fires as the board may deem needful and proper.

Lights, water supply, and sewerage.

9. To adopt such plans and methods and to make such contracts or take such action as they may deem best for lighting the streets and sidewalks of the town and to provide a water supply and the necessary sewerage therefor, and to make proper rules, ordinances, and regulations for the maintenance, care, and preservation of the same, as well as to provide for the punishment of depredations on or injuries to such waterworks and sewerage plants and lighting plants, when established.

Markets and marketing.

Inspection of foods.

10. To prescribe the places and regulate the manner in which the business of marketing shall be carried on in the town, and to make necessary provisions and ordinances for the proper inspection of all foods and feed-stuffs offered for sale in said markets or in the town limits, as well as to provide by proper rules and ordinances for the cleanly handling of all foods, groceries, and feed-stuffs, so as to prevent danger of disease and sickness therefrom.

Fireworks.

11. To prohibit, regulate, or restrict the sale or use of firecrackers, roman candles, bombs, dynamite, torpedoes, or other explosives in said town.

Explosives.

12. To regulate the handling, keeping, and sale of powder, nitroglycerine, or other high explosives in said town.

Speed regulations.

13. To regulate the speed of riding or driving on the streets and other public places of the town.

Animals running at large.

Hogpens and stables.

14. To prohibit and prevent horses, hogs, cattle, domestic fowls, and other animals from running at large in the town, and to prohibit and prevent the keeping of hogpens and dirty stables in certain sections or portions of the town.

Guard-house and convict quarters.

15. To build or establish a guard-house in which to secure or confine offenders against the town ordinances; and in their discretion to build, erect, and maintain guard-houses or quarters in which to keep, house, and shelter, and secure any and all convicts which may be secured by the town commissioners from Wilkes County or other adjacent counties for the purpose of working on the streets and other public improvements of said town.

Public buildings.

16. To erect and maintain such buildings as may be necessary and proper for the use of the town and the officers thereof, in the discharge of their official duties, including a town hall, engine and hose houses, stables for the use of the horses owned and worked

by the town, and to prevent the erection and establishment of wooden buildings in any part of the town where the erection of such buildings may increase the danger from fire. Fire limits.

17. The board of commissioners shall have power to establish fire limits within said town, within which it shall not be lawful for any person to erect or build any wooden house, make any wooden additions to any buildings, or cover any building with any material other than metal or slate, or other standard roofing. The board may prohibit wooden buildings from being removed from one place to another within the fire limits, under such penalties as the board may establish. The said board shall have power to pull down and remove any building within the corporate limits of the town of North Wilkesboro which it may or shall have declared dangerous or unsafe for occupation, or a nuisance to the health of the town: *Provided*, the same be not removed or torn down by the owner within thirty days after notice in writing from the mayor. The board may require the owner or lessee of any lot or premises within the town, who shall desire to erect a building thereon, or to add to, remodel, or alter any building or buildings already built thereon, or to make other improvements on the same, if said building, additions, alterations, or improvements shall cost the estimated sum of one hundred dollars or more, to take out a building permit from the clerk of said town, for which a fee not exceeding twenty-five cents may be charged, under such rules and regulations as may be prescribed by ordinance, and to enforce the same by proper fines and penalties against said owner or lessee. Fire limits. Removal of dangerous or unsafe buildings. Proviso: removal by owner. Building permits. Fee.

18. To provide public graveyards or cemeteries in or near the town, and regulate the management of the same. Cemeteries.

19. They may levy a license tax not exceeding one dollar a year upon each and every surface privy within the corporate limits of said town, and enforce the payment thereof by the occupants of the lot or premises upon which such surface privy is maintained and used, by proper fines and penalties, and may require all owners or lessees of any lot or lots within the town to erect and build all such surface privies in accordance with plans and specifications furnished by the mayor under the direction of the board of commissioners: *Provided*, that such occupant shall be thereby relieved from any and all liability as to the cleaning and condition of such surface privy, and the same shall be cleaned in a regular, systematic, and sanitary manner by the town authorities, under such ordinances, rules and regulations as may be prescribed by the board. Tax on surface privies. Proviso: licensed privies cleaned by town.

20. To employ such labor and to purchase such machinery and materials and make such contracts and do such things as may be necessary to put and keep the streets, sidewalks, and alleys, public wells, pumps, tanks, reservoirs, and other town property in proper condition, and to this end may, if seen feasible and proper, Labor, machinery, and materials. Convict labor.

contract with the county of Wilkes, and such other counties as they deem proper, for the hire and employment of such convicts as may be sentenced by the courts to work on public roads, and use same for the building, repair, and improvement of the streets of the town and its water supply, sewerage system, and such other public works of the town as such labor can be used advantageously.

Salaries of officers. Per diem of commissioners.

21. To fix the salaries of the mayor, chief of police, and other officers of the town; to fix a per diem for the commissioners when employed in the business of the town, either holding meetings of the board or in doing special work in supervision of street improvements or work of the town, where the commissioners have designated and appointed a member of the board to supervise same; to prescribe proper fines and penalties on the members of the board for not attending the meetings thereof, and to remit same for good reason shown; but in no case shall the salary of the mayor exceed fifty dollars per month, nor the per diem of the commissioners the sum of two dollars per day, either for attending regular meetings of the board, which meetings shall each be counted as a day, or when engaged in supervising any work of the town.

Fines for non-attendance on commissioners' meetings. Limit of salary and per diem.

Powers and functions not specifically mentioned.

22. To execute and employ all other powers and functions as are now or may be conferred by the general laws of the State upon boards of commissioners, councilmen or aldermen of cities and towns, which may not be herein specifically mentioned.

CONDEMNATION OF REAL PROPERTY.

Power of condemnation.

Sec. 17. That when it shall become necessary to condemn real property for streets, drainage, sewerage, water mains, reservoirs, sites, or other public uses, the board of commissioners shall designate and describe the property to be condemned, and if the board and the owner or owners of said property cannot agree upon the damages, then the board shall appoint one arbitrator, the owner or owners of the property one, and a third shall be named by the Clerk of the Superior Court of Wilkes County; but if any of the owners of the property are minors and without a general guardian, then the board of commissioners shall file a petition before the Clerk of the Superior Court of Wilkes County, setting out the facts, and the said clerk shall appoint some suitable person to represent such infant or infants, and such guardian *ad litem* shall appoint the arbitrator to represent such minor or minors and report the name of the person so selected to the said clerk, who shall make a record of these proceedings, which shall, when approved by said clerk, be as conclusive against said minors so made of record as if they were of full age. The three arbitrators chosen as provided for in this section shall, before entering upon their duties, take an oath to do even and exact justice between the town of North Wilkesboro and the owners of the property to be condemned, to the best of their ability. The board of commissioners shall

Arbitration for damages.

Arbitrators to be sworn.

Procedure for assessment of damages.

deliver to the arbitrators a description of the property sought to be condemned, and thereupon the arbitrators shall view the property, hear the testimony, if any may be offered, estimate the damages, if any, after deducting the benefits that in their opinion may accrue to said property by reason of the proposed work, and then make and sign their award, a copy of which shall be filed with the board, a copy with the Clerk of the Superior Court of Wilkes Connty, and a copy delivered to the owner or owners of the property, said copies for the Clerk of the Superior Court and the owners to be made from the report filed with the board of commissioners by the arbitrators and certified by the clerk of the board under the seal of the town, as a true copy of the report so filed by the arbitrators. The award, when signed by a majority of the arbitrators, shall be final and conclusive to all parties, in case there is no appeal therefrom. If the town or the owners of the property be dissatisfied with the said award, either may appeal to the Snperior Conrt of Wilkes County, to term-time, by giving ten days notice of such appeal to the opposite party, and by giving a bond, to be approved by the clerk of the Superior Conrt, to secure the costs of such appeal. The notice shall state the grounds of appeal, and to be effective must be served within ten days after the award is filed with the board of town commissioners and a copy thereof delivered to the owner. If the appeal be on a qnestion of law, the jndge of the Superior Conrt shall render his decision thereon; if it be on the amonnt of the damages, then that question shall be tried by a jury. Upon the payment to the owner of the property songht to be condemned the amount of damages assessed by the arbitrators, if any, if there be no appeal, the board of commissioners may proceed with the contemplated improvements for the public convenience in the use of the property so condemned: *Provided, however*, that no appeal, either to the Superior or Supreme Court, shall hinder or delay the town or board of commissioners in opening such streets or in erecting snch improvements as are contemplated in such proceedings.

Right of appeal.

Bond on appeal.

Notice of appeal.

Trial on appeal.

Proviso: appeal not to delay work.

Sec. 18. That the board of commissioners of the town of North Wilkesboro shall have power and authority to put and keep at work on the streets and other public improvements of the town any person or persons who may fail or refuse to pay any fine, costs, penalty, or forfeiture which may be imposed upon such person or persons by the mayor's court; and they shall have authority and power to make such rules and regulations for the security, the control and management of such persons while so employed at work until snch fines, penalties, costs, and forfeitures are paid, under such rates for labor as the board may fix.

Street work for fines, costs, or penalties.

Sec. 19. That no ordinance of the board of commissioners of the town of North Wilkesboro shall be in force until the same shall have been advertised for five days, either by publication in one

Ordinances to be published.

issue of some newspaper published in said town or by posting at three public places in the town for such period of five days.

Presentation of claims before action.

Sec. 20. No action shall be instituted or maintained against the town of North Wilkesboro upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to said board of commissioners, and said board of commissioners shall have declined to pay or settle the same as presented, or for thirty days after such presentation neglect to enter or cause to be entered upon its minutes its determination in regard thereto. The statute of limitations shall not begin to run until the expiration of the thirty days from such demand or until refusal by said board to pay such claim, provided such demand shall be made in thirty days from the time the cause of action arose.

Statute of limitations.

Demand for damages before action.

Sec. 21. No action for damages against the town of North Wilkesboro, of any character whatever, to either person or property, shall be instituted against said town, unless within ninety days after the happening or infliction of the injury complained of the complainant, his or her executors or administrators, shall have given notice in writing of such injury or demand to the board of commissioners, and the said board shall have refused to act thereon as provided in the preceding section hereof.

TAXATION.

Purposes of taxation.

Sec. 22. That in order to raise a fund for the expenses incident to the proper government of the town and for meeting interest on its bond issues and to provide a sinking fund for the redemption of any bond issue or issues that have heretofore or may hereafter be made, the board of commissioners shall, at their meeting in June of each and every year, levy and provide for collecting the following taxes, namely:

Property tax.

1. On real and personal property within the corporate limits of said town, including money on hand, solvent credits, investments in bonds, stocks, and all other subjects taxed by the General Assembly of North Carolina *ad valorem*, except incomes, a tax not exceeding one dollar on every hundred dollars in value.

Poll tax.

2. On all taxable polls who may be residents of the town on the first day of May in each and every year, not exceeding two dollars.

Dog tax.

3. Upon all dogs kept in the town, and which may be therein on the first day of May of each and every year, a tax not exceeding three dollars: *Provided, however*, that a discrimination within this limit may be made on the different species or sexes of dogs.

Proviso: discrimination of species and sexes.

License taxes.

4. Special license or privilege taxes, to be collected annually on the first of July of each and every year, on all trades, professions, agencies, businesses, exhibitions, manufactures, hotels, restaurants, eating-houses, shows, circuses, peddlers of all kinds, or on any or

all other subjects authorized by the General Assembly to be licensed within the limits of the town of North Wilkesboro, the amount of which tax, when fixed, shall be collected by the tax collector of the town; and if it be not paid on demand, the same may be recovered by suit, or the articles on which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy the same: *Provided*, that no privilege or license shall be granted to any person, firm, or corporation to conduct a trading stamp business or advertising scheme of like character, or any business or occupation prohibited by the laws of North Carolina. Proviso: prohibited occupations.

Sec. 23. All taxes of said town shall be listed, levied, assessed, and collected, except as in this chapter otherwise provided, in the same manner, under the same rules and regulations, and subject to the same penalties as are provided by law for the listing, levying, assessing, and collecting State and county taxes: *Provided*, that the property and poll taxes herein provided for shall be listed jointly with the listing of the State and county taxes, and said taxes shall be due and collectible on and after the first day of September of the year in which assessed and levied, and all taxes not paid on or before the thirty-first day of December of the year in which due shall be assessed a penalty of five per centum of the amount then due on said taxes. Tax listing. Proviso: time for listing. When taxes due. Penalty for delay in payment.

Sec. 24. That the rates of taxation hereinbefore provided for the use of the town of North Wilkesboro shall be independent of and separate from the taxes that the said town is required to annually levy and collect for the graded schools of said town in accordance with chapter three hundred and fifty-nine of the Private Laws of North Carolina, session of one thousand nine hundred and five. Taxes for graded schools.

Sec. 25. That at the regular meeting of the board of commissioners in the month of April of each and every year it shall appoint and designate the town clerk to list the taxable property and polls of the town for the ensuing year, and he as such list taker shall, conjointly with the township list taker appointed to list the State and county taxes, advertise notice to the taxpayers that he will, on and after the first day set for listing State and county taxes, and during the month prescribed by the laws of the State for listing same, proceed to list such taxes, giving notice of the places and of the hours at which he will meet the taxpayers for that purpose; and he shall attend said listings as near as possible with the township list taker, and as long thereafter during said month as may be necessary to secure a full and perfect list of all the taxable property of said town. Town clerk to take tax lists. Advertisement of tax listing.

Sec. 26. That for the purpose of paying off, taking up, and canceling the coupons and bonds heretofore issued by said town, or that may hereafter be issued under the provisions of law, as the same shall become due, the commissioners may create a sinking Sinking fund.

Special tax.

fund, and for that purpose the board of commissioners of said town is hereby empowered to levy and collect sufficient special tax each year (provided the said special tax does not exceed the limit of taxation heretofore provided for, including regular taxes) upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under this charter of the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct from all other funds of the town: *Provided, nevertheless*, that said taxes shall not at any time exceed one-fourth of the total rate of taxation hereinbefore provided for on property and polls.

Fund kept separate.

Proviso: limit of rate.

Commissioner of sinking fund.

Sec. 26. For the proper conservation and management of the said sinking fund, the board of commissioners shall annually elect a commissioner of the sinking fund, to hold this office until his successor is elected and qualified; such commissioner of the sinking fund, when elected, shall give bond, payable to the State of North Carolina, for the use of the town of North Wilkesboro, in such sum as may be required by the board of commissioners, with at least two sureties to be approved by the board of commissioners, which sureties shall make oath that they are worth in real and personal property over and above all liabilities and exemptions allowed by law at least the amount of the penalty of the bond; the bond shall annually be renewed not later than July first of each year, or immediately after the election and qualification of such commissioner, and the penalties shall from time to time be increased according to the probable amount of funds that will be in the hands of the commissioner during the succeeding year. The town tax collector shall pay the whole of the special taxes collected for the purpose of paying the principal and interest on the bonds issued by the town heretofore or hereafter, by virtue of the provisions of the former charter of said town, this charter or any later amendments thereof, to the said commissioner, who shall execute his receipts to the tax collector for said payments, which receipts so executed shall be accepted by the board of commissioners in their monthly settlements with the tax collector, and said commissioner shall pay the interest on said bonds as it shall become due, and shall make such settlements with the board of commissioners from time to time as they shall demand, and report the condition of said fund to the said board, together with his management of same, and make such recommendations in regard to the proper investment of the funds set apart for redemption of the principal of said bonds as to him may appear proper, and the board of commissioners shall make such rules and regulations in regard to said fund as they may deem proper, and it shall be the duty of said commissioner to demand monthly settlement and payment of said special taxes from the town tax collector, and to see that all of said special taxes are duly collected and properly accounted for.

Bond of commissioner.

Taxes paid to commissioner.

Payments, settlements, and reports of commissioner.

Recommendation of investments.

Commissioner to demand taxes monthly.

DUTIES OF THE TOWN CLERK.

Sec. 27. That the town clerk, in addition to his duties as clerk to the mayor's court hereinbefore provided for, shall keep a correct record of all the proceedings of the board of town commissioners, attest all papers and contracts made and entered into between the commissioners and other parties on behalf of and for the benefit of the town; keep a proper system of books of the finances of the town, showing all assets and liabilities of the town, keeping a separate account for each and every separate fund or investment of the town, charging same with investment and expenses of administration, and crediting each fund or investment with all funds and income produced by same; keep an account with the town treasurer and with the commissioner of the sinking fund, and keep proper checks and entries on all receipts and disbursements of the town or any officer thereof, and make proper monthly or other reports of the finances of the town to the board of commissioners as they may require; preserve all deeds of the town, papers, bills, contracts, records, and other documents pertaining to the town or proceedings of the board of commissioners, in neat and permanent form, in some safe place of deposit, so as to have same open to the inspection of the board or other person or persons authorized to have access to them; list the taxes each and every year and make out the tax abstracts and tax books (unless excused by the board) and perform such other duties as may be required and prescribed by the board of commissioners.

Record of proceedings.

Attest papers and contracts.

Books and accounts.

Reports.

Preservation of documents.

Tax lists and tax books.

Other duties.

DUTIES OF THE TAX COLLECTOR.

Sec. 28. That the tax collector shall be elected or appointed by the board of commissioners, and when so elected and qualified by taking the oath of office required by this chapter he shall collect all taxes that may be levied by the commissioners, including the graded school taxes of the town, and shall pay the same over to the treasurer and to the sinking fund commissioner, as hereinbefore provided, once a month before the meeting of the board in regular session, and he shall take the receipts of the treasurer and the sinking fund commissioner for all payments so made to them as herein provided, in duplicate, and shall make monthly reports and settlements with the commissioners at their regular monthly meetings, and such reports and settlements shall be recorded on the minutes of the board of commissioners, and a duplicate of the receipts of the treasurer and sinking fund commissioner shall be filed with the board by the tax collector at each settlement made by him, which duplicates shall be preserved by the clerk, and the clerk from such vouchers or receipts shall charge the treasurer and the sinking fund commissioner with the funds so receipted for by them to the tax collector, and the said tax collector shall make such further reports and settlements as

Election and duties of tax collector.

Monthly reports and settlements.

Reports and settlements recorded. Duplicate receipts filed.

Charges to treasurer and commissioner of sinking fund.

Proviso: bond of tax collector.

the board of commissioners may require: *Provided, however*, that before entering upon the discharge of his duties he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in a sum double the amount of the taxes levied for the preceding year, which bond shall have sufficient sureties, duly justified, and shall be subject to the

Pay of tax collector.

approval of the commissioners. The board of commissioners may pay the tax collector a salary or commissions not exceeding five per centum of the amount of taxes collected by him.

DUTIES OF THE TREASURER.

Treasurer to receive moneys.

Sec. 29. That the treasurer shall receive from the tax collector all moneys due the town (except the special taxes levied for the sinking fund and to pay interest on bonds, which taxes shall be paid to the sinking fund commissioner by the tax collector as

Orders on treasurer.

hereinbefore provided), and pay out the same only upon the order of the board of commissioners, signed by the mayor and counter-

Report of receipts.

signed by the clerk. He shall immediately report to the clerk all moneys received by him, and from what source derived and to what fund or funds applicable, so that the clerk may charge same

Monthly settlements.

to the proper account to which the said funds may belong, and he shall make monthly settlements with the clerk, so as to see that all funds received by him are properly reported and charged to their proper accounts; and he shall further make monthly settlements with the board of commissioners, showing all receipts and disbursements during the preceding month, and showing the funds in his hands at the end of each and every month belonging to the town, and to what fund or account the said funds are applicable, which report shall be entered on the minutes of the board of commissioners, and the duplicate receipts for said disbursements shall accompany said reports, to the end that the proper funds

Bond of treasurer.

or accounts may be credited therewith by the town clerk. Before entering upon the discharge of his duties he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in an amount to be fixed and approved

Oath of office.

by the commissioners, and he shall also take and subscribe the oath

Annual reports.

of office hereinbefore required of all town officials. At the end of the fiscal year (May first) he shall make to the board a full report showing the financial condition of the town, the funds re-

Report published.

ceived during the preceding year, and how applied, and cause the same to be published in some newspaper published in the town, and from time to time make such other reports and statements as

Compensation and term.

the board may require. His compensation shall be fixed by the board of commissioners, and he shall serve for the term of the commissioners or until his successor is elected and qualified: *Provided, however*, that in the discretion of the board of commissioners the town clerk may by virtue of his office act as treasurer.

TOWN POLICE; DUTIES.

Election of chief of police and policemen.

Sec. 30. That the chief of police of the town, and as many assistant policemen as the board may deem necessary, shall be elected by the mayor and board of commissioners of the town at the first meeting after their election and organization, or as soon thereafter as possible; and it shall be the duty of the chief of police and his assistants to see that the laws and ordinances of the town and the orders of the mayor and board of commissioners are duly and properly enforced, and to report all breaches of the same to the mayor; to swear out warrants against offenders against the laws and ordinances of the town, and to arrest all persons whom they may personally see violating the laws and ordinances of the town, and take them immediately before the mayor in order that they may be properly dealt with, after the proper warrants have been sworn out for said offenders; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for such purpose shall have all the power and authority vested by law in sheriffs and constables. They shall have the same fees on all processes and precepts executed and returned by them as are allowed by law to sheriffs on like processes and precepts, and also such other salary and compensation as the commissioners may allow. They shall, at the end of every month, pay to the town treasurer all fines and forfeitures collected by them, and report the same to the board of commissioners under oath, each and every month, and said fines and penalties shall be turned over by the treasurer to the county treasurer, for school purposes, except such as for violation of town ordinances. They may execute all warrants and process issued by the mayor and delivered to them for execution, anywhere in Wilkes County. Before entering upon the discharge of their duties they shall take and subscribe the oath required of town officials, which shall be entered of record in the minute-book of the commissioners, and they shall execute such bonds for the faithful performance of their duties as may be required by the board of commissioners. For improper conduct or failure and refusal to discharge their duties and the orders of the mayor and board of commissioners, they may be suspended by the mayor until the next regular meeting of the board, when he shall report such suspension to the board, who shall consider the same, and if good reason for such suspension be shown, they shall approve the action of the mayor and suspend or discharge the officer so offending, or reinstate him in his position, as to them may seem just and proper after considering all the facts and circumstances of the case, and the board shall be sole judge of the causes and reasons for suspension and removal or reinstatement.

Duties of police.

Fees and salary.

Monthly settlements of fines and forfeitures.

Execution of process.

Oath of office.

Bonds of policemen.

Suspension by mayor.

Bond issues.

Sec. 31. That the board of commissioners are authorized and empowered to issue bonds in such amounts as it may deem neces-

Limit of amount.

sary, not to exceed ten per centum of the assessed valuation of the real and personal property of the said town (including all bond issues heretofore voted and issued, and the total issue at no time to exceed the amount of ten per centum of the assessed valuation of the real and personal property of said town); said bonds to be issued in the name of the town of North Wilkesboro and in such denominations and forms and payable at such times and places, but running not less than ten nor more than forty years, and bearing interest at no greater rate than six per cent per annum; and the money arising from the sale of said bonds shall be used for public improvements, consisting of a system of waterworks, sewerage, an electric light and power plant, graded school buildings, grading and macadamizing the streets and placing concrete, granolithic, or other standard sidewalks in said town, erecting municipal buildings, and for such other improvements as within their sound discretion the board may deem necessary for the best interests of the town, as well as for purchasing the necessary property and acquiring all rights, privileges, and powers necessary for the proper maintenance, usage, and operation of such improvements.

Denominations and forms.

Maturity.

Interest.

Use of proceeds.

Water, light, and power plants.

Sec. 32. That the said board of commissioners shall have the power to purchase, acquire, hold, lease, manage, control, and operate, and to sell, lease, and dispose of to such person or persons, corporation, or corporations, and for such price or prices and on such terms and conditions as the commissioners may deem proper, water, electricity, water rights, power privileges, and appropriations for milling, manufacturing, domestic, and other uses and purposes; and to develop, control, generally deal in and dispose of to such person or persons, firm or firms, corporation or corporations as to the commissioners may appear proper, electrical and other powers, for the generation, distribution, and supply of electricity for light, heat, and power, and for any other uses and purposes for which the same are adapted, and to this end all purchases of property within or without the corporate limits which have been heretofore made or which may hereafter be made for these purposes are hereby ratified and authorized.

Purchases ratified.

Bond issue approved by majority of qualified voters.

Sec. 33. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election, to be held at such time or times and under such regulations as the board of commissioners may prescribe, at which election or elections those favoring the proposed issue of bonds shall vote a written or printed ballot with the word "Issue" on it, and those opposing such proposed issue of bonds shall vote a written or printed ballot with the words "No Issue" on it: *Provided, however*, that when a bond issue has been voted for a specific purpose and the said issue shall prove to be insufficient for the purposes for which said bonds were voted, then the board of commissioners may in their discretion issue a sufficient amount of bonds to complete the purpose for which said bond issue was voted.

Elections.

Ballots.

Proviso: supplemental bond issue.

Sec. 34. That said board of commissioners shall have full power and authority under their ordinances to grade, pave, macadamize, sand-clay, and otherwise permanently improve for travel and drainage any street, sidewalk, and public alley of said town; to put down curbing, cross-drains and crossings for the same, they being the sole judges of the reasonableness of and necessity for the same. Permanent improvement of streets.

Sec. 35. That the board of commissioners of said town shall have full power and authority to adopt by ordinance such a system or systems of laying out districts or sections of streets and sidewalks, sewerage, and water lines and mains for permanent improvement within said town, and of equalizing assessments on real estate to pay the cost of paving such sidewalks as may be so improved, not to exceed fifty per centum of the cost of paving said sidewalks; and in order to more fully carry out the duties imposed by the provisions of this act, said board of commissioners shall have power to pass ordinances assessing, not to exceed one-half, the cost of paving sidewalks within any such district or section laid out for improvement on the real estate abutting on such sidewalk, sewerage, or water lines or mains: *Provided, however*, that such sidewalk is built along business or residence property which has been or may be allotted for said purpose. That said one-half the cost of paving the said sidewalks, as above provided for (in the event one-half the cost, or less than half as the commissioners may deem necessary, is so assessed), shall be taxed against the property-owners owning lots abutting on said sidewalks, according to the frontage of said lots, and shall be a direct charge in favor of the town of North Wilkesboro against said lots, and the owner or owners of such lots shall pay to said town in five annual installments, with interest added at the rate of six per centum per annum, and such assessments shall be recorded in a book kept for that purpose by the town clerk, and such annual installments, with interest added, shall be placed annually on the town tax books as taxes against said property, and shall be collected in the same manner as the other town taxes are collected, with power of distraint and sale against the property, real or personal, of the lot owner or owners, on the nonpayment of said taxes when due and unpaid. Districts for permanent improvements. Apportionment of cost. Assessments on abutting property. Proviso: business or residence property. Assessments based on frontage. Lien on property. Payment by installments. Record of assessments. Collection.

Sec. 36. That the present mayor and board of commissioners and all other officers of the town of North Wilkesboro shall hold their several offices under this charter (with powers of election, resignation, and appointment as provided in the general law) until their successors are elected and qualified as provided in this charter. Present officers continued.

Sec. 37. That from and after the passage of this act the same shall be and remain the charter of the town of North Wilkesboro; and all laws or parts of laws heretofore enacted in relation thereto and not heretofore repealed, which are inconsistent with this act, are hereby repealed.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 145.

AN ACT TO AMEND SECTION 27 OF CHAPTER 419 OF THE PUBLIC LAWS OF 1909, RELATING TO THE BOUNDARIES OF THE LAND BELONGING TO THE SOUTHERN ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-seven of chapter four hundred and nineteen of the Public Laws of one thousand nine hundred and nine be amended by striking out all after the word "follows," in line two of said section, down to and including the word "operation," in line forty in said section, and inserting in lieu thereof the following:

New boundary.

Beginning on a sycamore on southerly bank of Richland Creek, said sycamore being on the edge of the road at the ford of said creek, near present Tuscola station, and runs as follows: South 53 degrees east 462 feet to a stake (crab apple gone); south 57 degrees east 439 feet to a stake in edge of road; south 45 degrees west 115½ feet (crossing small branch) to a stake corner; south 22 degrees east 319 feet to a stone corner; south 44 degrees east 123 feet to a stone corner; north 63 degrees east 83 feet to a stake in edge of "Clyde Road"; thence with said "Clyde Road" 16 calls as follows: South 32 degrees east 100 feet; south 38 degrees 15 minutes east 69 feet; south 32 degrees 30 minutes east 89 feet; south 25 degrees 30 minutes east 109 feet; south 1 degree 30 minutes west 84 feet; south 18 degrees 30 minutes west 200 feet; south 18 degrees west 225 feet; south 24 degrees 30 minutes west 175 feet; south 53 degrees west 200 feet; south 63 degrees 30 minutes west 206 feet; south 80 degrees 30 minutes west 100 feet; south 67 degrees 30 minutes west 100 feet; south 59 degrees 30 minutes west 50 feet; south 25 degrees 30 minutes west 360 feet; south 32 degrees 30 minutes west 300 feet; south 30 degrees 30 minutes west 100 feet to a stake in edge of road; thence north 85 degrees 15 minutes west 1,129 feet, crossing Southern Railway to a pine stump and stone corner, old Moore, Felmet, and Leatherwood corner; south 3 degrees 30 minutes east 600 feet to a stake (apple gone); south 32 degrees 30 minutes west 319 feet to an oak; north 69 degrees 30 minutes west 462 feet to a stake; south 64 degrees west 316 feet to a stake (Corzine corner); south 78 degrees west 100 feet with old road to a stake; south 62 degrees 45 minutes west 100 feet with old road to a stake; south 53 degrees 30 minutes west 100 feet with old road to a stake; south 2 degrees 30 minutes east 83 feet to a stake; south 34 degrees 30 minutes west 55 feet to stake; south 88 degrees 30 minutes west 49 feet to a stake; south 71 degrees 30 minutes west 222 feet to rock in bank of Richland Creek; thence up center of Richland

Creek 7 calls as follows: South 42 degrees 30 minutes east 200 feet; south 19 degrees east 490 feet; south 5 degrees west 316 feet; south 36 degrees west 150 feet; south 22 degrees west 428 feet; south 40 degrees west 72 feet; south 88 degrees west 457 feet to a stake in creek; thence north 19 degrees west 525 feet to a stake on top of ridge; south 72 degrees 30 minutes west 825 feet to a cherry; south 43 degrees 45 minutes west 564 feet to a spanish oak; south 2 degrees 45 minutes west 774 feet to a stone; south 60 degrees west 121 feet to a stake in gap; thence with old road 16 calls as follows: North 18 degrees west 109 feet; north 54 degrees west 100 feet; north 55 degrees west 100 feet; north 37 degrees west 100 feet; north 14 degrees west 180 feet; north 29 degrees 15 minutes west 150 feet; north 23 degrees west 100 feet; north 21 degrees 30 minutes west 100 feet; north 27 degrees 15 minutes west 88 feet; north 27 degrees west 200 feet; north 24 degrees 15 minutes west 90 feet; north 13 degrees west 100 feet; north 34 degrees west 71 feet; north 42 degrees 30 minutes west 164 feet; north 62 degrees 30 minutes west 100 feet; north 52 degrees west 66 feet, to a stone corner in edge of road, old Turpin corner; north 66 degrees east 508 feet to a locust post (old Turpin corner); north 39 degrees west 1,490 feet to a stake in edge of Crabtree Road; north 10 degrees west 420 feet to a spanish oak; north 2 degrees 30 minutes east 418 feet to a stake (old Hall corner); south 72 degrees 30 minutes west 242 feet to dogwood; north 19 degrees 45 minutes west 511 feet to stake in branch; north 16 degrees east 280 feet to a stake in branch; north 43 degrees 30 minutes east 120 feet to stake in branch; north 34 degrees 30 minutes east 228 feet to stake in branch; north 72 degrees west 760 feet to cherry; north 9 degrees 30 minutes east 915 feet to stake in road; with road north 80 degrees east 230 feet to stake in road; north 3 degrees 30 minutes west 1,170 feet to oak; west 528 feet to stake (Howell corner); north 7 degrees west 33 feet to stake; north 24 degrees east 511 feet to spanish oak; north 19 degrees 30 minutes west 182 feet to stone; north 65 degrees 30 minutes west 115 feet to stone; north 20 degrees 30 minutes west 222 feet to stone; north 79 degrees west 132 feet to stone; north 44 degrees west 182 feet to stone; north 20 degrees east 222 feet to stake; north 9 degrees east 247 feet to stone; north 33 degrees west 528 feet to stake; north 71 degrees west 132 feet to stone; north 16 degrees west 350 feet to stone (top of ridge); north 89 degrees 30 minutes west 237 feet to black oak; north 87 degrees 15 minutes west 825 feet to stone; north 10 degrees 45 minutes east 2,410 feet to stake; south 84 degrees east 25 feet to stake; south 5 degrees east 25 feet to stake; south 18 degrees east 346 feet to stake; south 7 degrees east 330 feet to stake; south 52 degrees east 33 feet to stake; south 80 degrees east 330 feet to stake, top of Hall Mountain; with ridge as follows: South 24 degrees east 295 feet; south 8 degrees east 300 feet; south

31 degrees east 115 feet; south 14 degrees east 230 feet; south 61 degrees east 198 feet; south 73 degrees east 297 feet; south 60 degrees east 495 feet; south 52 degrees east 132 feet; south 70 degrees east 132 feet; north 84 degrees east 726 feet (old Rogers corner); south 45 degrees east 300 feet to spanish oak on Rogers Mountain; down ridge, south 63 degrees east 1,138 feet to stake; south 77 degrees east 396 feet to stake; north 77 degrees east 66 feet to stake; south 54 degrees east 206 feet to stake; south 15 degrees east 535 feet to R. oak; south 22 degrees 15 minutes east 130 feet to W. oak; south 46 degrees 45 minutes east 95 feet to stake; south 48 degrees east 311 feet to stake; south 64 degrees east 141 feet to stake; north 84 degrees east 141 feet to stake; north 78 degrees 30 minutes east 250 feet to stake; north 26 degrees 30 minutes east 761 feet to stake; east 443 feet to black oak; north 3 degrees east 1,134 feet to hickory; south 86 degrees east 1,145 feet to stake (pine gone); north 84 degrees east 100 feet; south 66 degrees 30 minutes east 100 feet; south 62 degrees 30 minutes 89 feet; south 67 degrees east 125 feet; south 88 degrees east 757 feet to R. Creek; thence up center of R. Creek 3,500 feet as it meanders to the beginning.

Inclosure authorized.

Sec. 2. The Southern Assembly is hereby authorized and empowered to inclose its boundaries for the carrying out of its purposes: *Provided*, no public road or highway now in use shall be close up by said Southern Assembly unless the board of road commissioners of the Waynesville Township or other governing bodies shall so order, and no public road shall hereafter enter or pass through the said boundaries unless by the consent of the commissioners of the said Southern Assembly: *Provided further*, that a public road as has been or hereafter may be located and agreed upon by the Waynesville Township commissioners shall be kept open through the boundaries of the Southern Assembly on the northwestern side of the Richland Creek for the use of the public at all times; said road to be located by Waynesville Township road commissioners.

Proviso: public roads.

Proviso: public road to be kept open.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 146.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS BY ANDREWS SCHOOL DISTRICT, IN CHEROKEE COUNTY, AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Limit of bond issue.

Section 1. That section one of chapter eighty-four, Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the word "fifteen," the last word in said section, and inserting in lieu thereof the word "fifty."

Election on bond issue.

Sec. 2. That a special election to ratify the issuance of the thirty-five thousand dollars of bonds herein authorized, or any part thereof, may be called at any time in the way and manner set forth in the charter of said district, the same being chapter one hundred and eighty-two, Private Laws of one thousand nine hundred and five. That section sixteen of chapter one hundred and eighty-two, Private Laws of one thousand nine hundred and five, be and the same is hereby amended by adding after the word "them," in the fifth line of said section, the words "or upon presentation of a petition signed by one hundred citizens asking that such an election be called."

Petition for election.

Issue, amount, and maturity.

Sec. 3. The date of issue, amount of bonds, and time of maturity, and whether maturing serially or all at one time, shall be as directed by the trustees of said district and stated in the call for said special election.

Subsequent elections.

Sec. 4. Subsequent elections may be called at any time, in the same manner, in case prior elections had been held for the ratification of a less amount of bonds than the total issue herein authorized, or if any prior election had resulted unfavorably to the issuance of bonds voted on at that time.

Use of proceeds of bonds.

Sec. 5. That the proceeds of the sale of said bonds shall be used for the construction of one or more additional school buildings and the necessary equipment for the same, the alteration, repair, or enlargement of any present building and its equipment, and for any other purpose allowed by the charter of said school district or the general school law.

Special tax.

Sec. 6. That a special tax shall be levied and collected annually on all property and taxable polls in said district, sufficient to pay the interest on all of said bonds when due, and the principal at maturity, which tax shall be levied and collected in the manner set forth in the district charter, the same being chapter one hundred and eighty-two, Private Laws of one thousand nine hundred and five.

Levy and collection.

Funds kept separate.

Sec. 7. That the sheriff or tax collector of Cherokee County shall keep all special school taxes collected by him in Andrews School District separate and apart from any funds which he may receive, and, commencing on the first day of January in each year, and monthly thereafter, he shall make a true report of all said special school taxes that have been collected by him, to the treasurer of Andrews School District, and shall at the same time pay the full amount collected, less his commission, to said treasurer, and shall settle in full for all said special school taxes charged to him on the first day of May of each year following the year in which said taxes were assessed.

Monthly reports and settlements.

Full settlement.

Credits to sheriff.

Sec. 8. The board of commissioners of Cherokee County shall not credit the sheriff or tax collector with any errors, releases, insolvent or other uncollectible special school taxes, unless a list of said taxes shall first have been submitted to and have been approved by the board of trustees of said district.

Penalty on sheriff for failure to report and settle taxes. Liability on bond.

Sec. 9. For any failure to report and pay over said special school tax as herein required, the said sheriff or tax collector shall be subject to a penalty of fifty dollars for each offense, recoverable on his official bond, together with interest on all amounts improperly withheld by him as aforesaid.

Sec. 10. That all laws and parts of laws, when in conflict with any provision of this act, shall not be operative in Andrews School District.

Sec. 11. That this act shall be in full force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 147.

AN ACT TO ESTABLISH GLENWOOD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Glenwood graded school district.

Section 1. That Glenwood Township, in McDowell County, shall be and constitute a public school district, to be called the Glenwood Graded School District.

Graded school committee.

Sec. 2. That the graded school committee of Glenwood Township, as set forth in section one of this act, shall consist of five members, and that J. P. Byrd, W. C. Morris, W. H. England, J. G. Pyatt, and T. W. Wilson shall constitute said committee; that the

Terms of office.

term of office of J. P. Byrd shall expire on the first Monday of May, one thousand nine hundred and fourteen; that the term of office of W. C. Morris shall expire on the first Monday in May, one thousand nine hundred and fifteen; that the term of office of W. H. England shall expire on the first Monday of May, one thousand nine hundred and sixteen; that the term of office of J. G. Pyatt shall expire on the first Monday of May, one thousand nine hundred and seventeen; that the term of office of T. W. Wilson shall expire on the first Monday of May, one thousand nine hun-

Election of successors.

dred and eighteen. As the terms of office of the members of the said committee, as above provided, shall expire, their successors shall be elected for a term of five years by the aldermen of the town of Glenwood, in said county, at their regular meeting in

Vacancies.

May of each year. Whenever any vacancy occurs in said committee, except by expiration of the term of office, the vacancy for the unexpired term of the member, or members, shall be filled by the said committee.

Exclusive control of school interest, funds, and property.

Sec. 3. That the school committee provided for by this act shall have exclusive control of the public school interests, funds and property of the graded school district, as hereinbefore provided; shall fix the compensation of officers and teachers of

Compensation of officers and teachers.

public or graded schools annually, subject to removal by said committee; shall prescribe rules and regulations for their own government not inconsistent with law; shall make an accurate census of the school population of said district, as required by the general law of the State, and do all other acts that may be lawful and proper to conduct and manage the general school interests within said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into said school free of tuition charges.

Rules and regulations.
School census.
Proviso: free tuition.

Sec. 4. The school committee created by this act may elect annually a superintendent of the school. The said superintendent shall examine all applicants for teachers' positions in the said school, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.

Superintendent.
Examinations and certificates of teachers.

Sec. 5. The said boundary of Glenwood Township, having heretofore held an election and by a majority of the qualified voters of said township, said election having been held under the general law of the State, decided to levy, annually, the sum of fifteen cents on each hundred dollars valuation of property in said township and forty-five cents on each poll, it shall be the duty of the board of commissioners of McDowell County to levy, annually, fifteen cents on the one hundred dollars valuation of property in said township and forty-five cents on each poll, for the support and maintenance of the public graded school of said district; the amount so levied or the amount that shall hereafter be levied under the provisions of this act shall be collected by the sheriff and accounted for as other taxes, but shall be paid to the treasurer of the said school committee as collected. That at any time the said school committee shall decide that the amount so authorized to be levied will not be sufficient to run the said school, upon petition of a majority of the said committee it shall be the duty of the board of commissioners of said county to order an election to be held in said district, under the same rules and regulations for holding elections in special school-tax districts, at which election the question of levying the further sum of fifteen cents on the one hundred dollars valuation of property and forty-five cents on each poll shall be submitted to the qualified voters of said district. If a majority of the qualified voters, at any election held for the purpose, shall be in favor of such additional levy of taxes, then, upon a certificate of a majority of the said school committee presented to the said board of county commissioners, it shall be the duty of the said board of county commissioners to levy the amount so certified: *Provided*, the amount levied shall not exceed the amount authorized by the said qualified voters of said district.

School tax.
Collection and settlement.
County commissioners to order election on petition of committee.
Law governing election.
Additional tax voted on.
Levy of tax.
Proviso: limit of amount.

Sec. 6. That the moneys which shall from time to time be appropriated under the general school law of the State to the above

Apportionment from general fund.

described school district shall be turned over by the Treasurer of McDowell County to the treasurer of said school committee for the benefit of said school.

Election of treasurer.

Sec. 7. That said school committee shall elect one of their number as treasurer, and whose receipt for all moneys coming into his hands shall constitute a sufficient voucher in the hands of any person paying the same, and the said treasurer shall report to the said committee monthly his receipts and disbursements, with all vouchers for the same; before receiving any moneys he shall execute and deliver to said committee a good and sufficient bond in the sum of one thousand dollars, conditioned for the faithful performance of his duties as treasurer of said committee. The moneys received, as aforesaid, and all other money coming into his hands shall be held by the said treasurer as school funds to be disposed of under the directions of the said school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of the said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually on the first Monday in July to the board of aldermen of the town of Glenwood, in said county, a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of said school committee: *Provided*, the accounts, books, and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time, or to any taxpayer of said school district.

Monthly reports.

Bond of treasurer.

Warrants on school funds.

Annual reports.

Proviso: accounts, books, and vouchers open for inspection.

Annual report of committee.

Sec. 8. That the said school committee shall make to the board of aldermen of the town of Glenwood annually, at such time as is required under the school law of the State, a report containing an accurate census of the school population of said district, showing the work done and the amount of money expended under their direction in said district on account of the public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction for the State, and a copy to the superintendent of public instruction of the county of McDowell. The beginning and end of the school year shall be fixed by the committee.

School year.

Incorporation.

Corporate name.

Corporate powers.

Sec. 9. The school committee hereby created shall be a body corporate by the name and style of the "Glenwood Graded School," and by that name shall be capable of receiving gifts and grants, of making purchases and holding real and personal property, of selling, mortgaging, and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created; conveyances to said school committee shall be made to them and their successors in office; and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and attested by the secretary of said committee.

Conveyances and agreements.

Sec. 10. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Sec. 11. This act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 148.

AN ACT TO AMEND THE LAW CREATING ABERDEEN GRADED SCHOOL AND TO PERMIT SAID SCHOOL DISTRICT TO ISSUE AND SELL BONDS.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and nineteen of the Private Laws of North Carolina, session one thousand nine hundred and seven, entitled "An act to establish a graded school in certain specific territory in Moore County," ratified the first day of March, one thousand nine hundred and seven, be and the same is hereby amended by striking from section one of said act that part of said section one found at the end of said section, reading as follows:

"Excepting from the boundaries described, the lands of D. A. McNeil, Neil A. Blue, Alfred Turner, and that part of the lands of Daniel J. Campbell lying north of the public road and the lands of Mr. and Mrs. Charles E. Pleasants," and by adding to said section the following: "That the foregoing described territory in Sand Hills Township, Moore County, North Carolina, shall, for the purposes of this act, be and it is hereby declared a body politic and corporate by the name and style of 'Aberdeen Graded School,' and is vested with all the necessary power and authority to carry out the provisions of this act, and for the purposes of this act to exercise all the rights and privileges incidental to municipal corporations generally. The school trustees created under the provisions of this act and their successors are declared to be the corporate agents of said 'Aberdeen Graded School,' and may sue and be sued in the name of 'Aberdeen Graded School,' and shall have the power and authority to carry out the provisions of this act."

Exception stricken out.

Territory incorporated.

Corporate name.

Corporate powers.

Corporate agents.

Sec. 2. That said chapter two hundred and nineteen of the Private Laws of North Carolina, session one thousand nine hundred and seven aforesaid, be and the same is hereby further amended by adding thereto, as a part of said act, the following:

"(*a*) That on Tuesday after the first Monday in April, one thousand nine hundred and thirteen, there shall be an election held in the territory described in section one of this act, known as "Aberdeen Graded School," upon the question whether the said Aberdeen Graded School shall issue coupon bonds in the sum of twelve thousand dollars ($12,000) as hereinafter prescribed, and whether a tax shall be levied on the taxable property in said

Date for election on bond issue and tax.

Amount.

township as hereinafter prescribed for the payment of the principal of the said bonds when the same shall become due according to their tenor, and the interest that may accrue thereon, the proceeds arising from the sale of said bonds to be used in the building and erecting of a school building or buildings for said Aberdeen Graded School for the white race and furnishing and equipping the same and the purchase of such lands as may be deemed necessary for the purposes aforesaid.

Use of proceeds of bonds.

Election held in school building.

"(b) The election authorized to be held upon the question submitted to the qualified voters of said Aberdeen Graded School under the preceding section shall be held in the present school building in the town of Aberdeen in said territory, and the board of commissioners of Moore County shall have power and authority to appoint all registrars and judges of election and other officers necessary for the holding of said election. For the purpose of said election a new registration of the voters entitled under the laws of the State to vote at said election in said territory shall be had under the rules and laws prescribed for the election of members of the General Assembly, except as modified by the provisions of this act. At the close of said election the registrar and judges of election shall count and canvass the vote cast at said election and declare the result thereof, and shall report the result of such count and canvass in writing to the board of commissioners of Moore County at the next meeting held by said board after said election, and at the meeting of said board of commissioners held after said report has been made the said board of commissioners shall canvass said returns and declare the result of said election and record the same in the minutes of said board, and no other canvass of said election shall be necessary to determine the result thereof.

Election officers.

New registration.

Count and canvass of votes.

Returns.

Canvass and record of returns.

Ballots.

"(c) That at said election held under the provisions of this act as aforesaid, all of the qualified voters of said territory who shall favor the issue of the bonds as hereinafter prescribed and the levy of the special tax as hereinafter prescribed for the payment of the principal of said bonds and the interest that may accrue thereon, shall vote a ballot on which shall be written or printed, or partly printed and partly written, the words "For Schools," and those who are opposed to the issue of said bonds and the levy of said special taxes for the purposes aforesaid as hereinafter prescribed, shall vote a ballot on which shall be written or printed, or partly written and partly printed, the words "Against Schools." In all other respects said election shall be held and conducted in the manner prescribed by law for the election of members of the General Assembly.

Law governing election.

Bond issue authorized by election.

"(d) In the event a majority of the qualified voters of said territory shall at said election held under the provisions of this act vote "For Schools," the result shall be declared, counted, canvassed, and recorded as hereinbefore provided, and thereupon the

school trustees of said Aberdeen Graded School, created under the provisions of this act and hereinafter referred to, are authorized and empowered to issue and sell coupon bonds for said Aberdeen Graded School, payable to bearer, in the sum of twelve thousand dollars, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from the date of said bonds at a rate not to exceed six per cent per annum, payable annually on the first day of January in each year after the date of said bonds until said bonds are fully paid; that said bonds shall be made payable twenty years from the date of said bonds, both bonds and coupons to be made payable at the office of the treasurer of said school trustees of said Aberdeen Graded School in the town of Aberdeen, North Carolina; that the said bonds and their coupons shall be numbered consecutively, beginning with the number one, and each coupon shall bear the number of the bond to which it is attached; the bonds shall be signed by the chairman of the school trustees of Aberdeen Graded School and countersigned by the chairman of the Board of Commissioners of Moore County, and shall have affixed thereto the seal of the office of the Register of Deeds of Moore County, North Carolina, and the coupons attached to said bonds shall be signed by the chairman of the school trustees of Aberdeen Graded School, or shall have his lithographed signature thereon, and the said bonds shall be styled "Aberdeen Graded School Bonds"; that a record shall be kept of said bonds by the said trustees of Aberdeen Graded School, showing numbers and denominations thereof, the date of issuing the same, and when same will mature, and the interest-bearing rate thereof, the amount received from the sale of the same, and the date of the paying of the proceeds of the sale thereof to the treasurer of Aberdeen Graded School, and such other data in relation to the same as said school trustees may direct to be kept.

Amount.
Denominations.
Interest.
Maturity.
Authentication.
Record of bonds.

"(e) That the bonds hereby authorized to be issued shall not be sold for less than par value, and shall not be delivered to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of the school trustees of said Aberdeen Graded School, and said treasurer shall receive all such moneys paid in the purchase of said bonds in his official capacity, and he and his sureties on his official bond shall be liable therefor and shall disburse the same only as provided by this act, upon the order of said school trustees of Aberdeen Graded School upon written order signed by the chairman of said trustees. The money realized from the sale of said bonds or any portion thereof as provided by this act shall only be used for the purpose of building and erecting a school building or buildings for Aberdeen Graded School and furnishing and equipping the same as hereinbefore provided by this act and in the purchase of such lands as may be deemed necessary for the purposes aforesaid: *Provided*, that the purchaser of said bonds shall not be held responsible for the application of said fund.

Sale below par and delivery before payment forbidden.
Treasurer liable on bond.
Orders on fund.
Specific appropriation.
Proviso: purchaser not liable for application.

Cost of issue and sale.

"(*f*) That the costs of issuing and selling said bonds shall be paid by the said school trustees aforesaid from any school fund due said Aberdeen Graded School under existing law.

Special tax.

"(*g*) For the purpose of paying the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the Board of Commissioners of Moore County shall annually, at the time of levying the county and other State taxes required by law to be levied, levy a special tax on all persons and property subject to taxation within the limits of said territory known as Aberdeen Graded School under the provisions of this act,

Limit of rate.

not to exceed twenty-five cents on each one hundred dollars valuation of real and personal property and seventy-five cents on each taxable poll, and the tax so levied shall be collected by the Sheriff of Moore County, North Carolina, in the same manner as other taxes in the county of Moore, and paid over by him to the treasurer of the school trustees of the Aberdeen Graded School; the

Application of tax.

said taxes so levied shall be applied, first, to the payment of the interest on said bonds as the same shall become due, and the balance shall constitute a sinking fund for the payment of the prin-

Investment of sinking fund.

cipal of said bonds at maturity, which fund may be invested by the treasurer of said school trustees under the direction of said trustees, the interest arising from said investment to constitute a part of the fund for the payment of said bonds and the interest

Purchase of bonds.

coupons thereto attached. The school trustees of Aberdeen Graded School are authorized and empowered at any time before said bonds may become due and payable to use any part of said sinking fund in the purchase of said bonds or any part thereof if

Proviso: limit of price.

agreement can be had with the holders thereof: *Provided*, that no greater price shall be paid for any of said bonds than the amount received therefor, with interest due on the same to the date of purchase added.

Obligation of bonds.

"(*h*) That the bonds issued under the provisions of this act shall be and constitute obligations of Aberdeen Graded School and shall be payable only by said Aberdeen Graded School, as provided in this act.

Power in board to purchase land and erect buildings.

"(*i*) The school trustees of Aberdeen Graded School as now constituted, to wit, J. W. Graham, J. F. Allred, J. A. Bryant, J. A. McKeithen, and H. A. Page, and their successors in office, shall have full power and authority and it shall be their duty to purchase such lands as they may deem necessary for the erection of school buildings provided by this act, and erect and furnish the

Trustees to organize.

same under the provisions of this act. Said trustees shall elect one of their number chairman, and one of their number secretary,

Oath and bond of treasurer.

and one of their number treasurer. The said treasurer shall qualify by taking an oath of office, before some officer authorized to administer oaths, to faithfully and honestly discharge the duties of his office and by executing with sufficient sureties an official bond payable to the State of North Carolina in a sum to be fixed

by said school trustees to account for, settle and pay such sums of money as may come into his hands as said treasurer as provided by this act and required by law, which said bond shall be approved by said school trustees and thereafter recorded in the office of the Register of Deeds of Moore County, and said register shall have for his services the same fees as is now provided by law for the recording of deeds and other instruments. Suit may be brought against said treasurer and against the sureties on his official bond by Aberdeen Graded School under direction of said trustees, either in the name of Aberdeen Graded School or in the name of the State of North Carolina on relation of said Aberdeen Graded School. Said treasurer shall receive for his services such sum as the said school trustees may fix, not exceeding two per cent of the amount disbursed by him."

Fees for register of deeds.

Suits on bond.

Pay of treasurer.

Sec. 3. That all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 149.

AN ACT TO AMEND THE GRADED SCHOOL CHARTER OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and fifty-nine of the Private Laws of one thousand nine hundred and five be amended by repealing section three of said act, and substituting in lieu thereof: "That a tax of not less than twenty cents and not more than sixty cents on the one hundred dollars worth of property, and not less than sixty cents and not more than one dollar and eighty cents on the poll, shall be annually levied and collected for said graded schools, as hereinafter set forth."

Tax rate.

Sec. 2. That in section five, line fifteen, following the words "mayor and board of commissioners of North Wilkesboro," shall be inserted the words: "upon the written recommendation of a majority of the board of graded school trustees."

Recommendations for vacancies in board of trustees.

Sec. 3. That the first three lines of section ten, through the word "poll," shall be stricken out, and in lieu thereof shall be substituted the following: "That the taxes heretofore named in this act, to wit, not less than twenty cents nor more than sixty cents on the property valuation, and not more than one dollar and eighty cents on the poll, by and with the written recommendation of a majority of the board of graded school trustees."

Tax rate recommended by trustees.

Contiguous territory admitted.

Sec. 4. That by and with the consent of a majority of the board of graded school trustees, the citizens of any territory contiguous to the town of North Wilkesboro may be included within the boundaries of the graded school district of said town and be entitled to all the privileges of the graded school: *Provided*, a majority of the qualified voters of the said territory shall have, by a special election held in compliance with the general school laws of North Carolina (section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina), voted upon themselves a property and poll tax equal to that paid by the citizens of North Wilkesboro for the maintenance of graded schools.

Proviso: special election.

Act submitted to voters.

Sec. 5. That at the regular town election in May, one thousand nine hundred and thirteen, this act shall be submitted to the qualified voters for ratification or rejection, and there shall be prepared a separate box in which all of said voters who favor this act shall vote a written or printed ticket, "For Amendment to School Charter," and those who oppose this act shall vote a written or printed ticket, "Against Amendment to School Charter," and if a majority of the registered qualified voters shall vote "For Amendment to School Charter," this act shall be in full force and effect; but if a majority of the registered qualified voters shall vote "Against Amendment to School Charter," this act shall be void, and the present charter remain unchanged.

Tickets.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 150.

AN ACT TO AUTHORIZE THE LEVY AND COLLECTION OF AN ADDITIONAL TAX FOR THE PURPOSE OF IMPROVING AND MAINTAINING THE PUBLIC SCHOOLS IN .... SCHOOL DISTRICT, No. 2, HOLLY SPRINGS TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Application to county commissioners.

Section 1. That for the purpose of increasing the annual special tax for school purposes in ..... School District, Number Two, Holly Springs Township, Wake County, North Carolina, the board of trustees, or a majority of them, of the said district may apply to the board of county commissioners of Wake County, asking that an additional tax of fifteen cents on the one hundred dollars of property and forty-five cents on the poll be annually

levied and collected in said district for the purpose of improving and maintaining the public schools in said district. Said application shall be made at any time within four years from and after the passage of this act; whereupon, at their next regular meeting to be held after said application shall have been made by said board of trustees, said board of county commissioners shall order and direct that the question whether such additional tax shall be levied be submitted to the vote of the qualified voters of said district at Holly Springs, North Carolina. Said election shall be held under rules and regulations of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, and the acts of the General Assembly amendatory thereto: *Provided*, a petition to the county commissioners for this election shall be signed by one-fourth of the freeholders of the district.

Time for making application.

Election to be ordered.

Law governing election.

Proviso: application signed by one-fourth of freeholders.

Sec. 2. That the said board of county commissioners shall, for the purpose of the election to be held under this act, direct that there shall be an entirely new registration of voters in said district, notice of which shall be given by advertisement once a week for four consecutive weeks in some newspaper published in Wake County, said publication to begin not later than the day on which the books are opened for registration of voters, and by posting a notice at three other public places in said district.

New registration.

Notice for registration.

Sec. 3. That at said election those who are in favor of the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words, "For Additional School Tax," and those who are opposed to the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words, "Against Additional School Tax."

Ballots.

Sec. 4. That the number of votes cast for and against said additional tax shall be deposited in a special box, and the registrar and poll-holders shall canvass the vote cast and declare the result and shall duly certify the returns to the board of county commissioners, and the same shall be recorded in the records of said board of commissioners. If at said election a majority of the qualified voters of said district shall vote "For Additional School Tax," the said board of county commissioners shall thereafter annually levy said additional tax hereinbefore mentioned in said district, in the manner prescribed by law for the levying of school taxes; and said additional tax shall be collected in the same manner as is now prescribed for the collection of other special school taxes, and when collected shall be appropriated and applied to the improvement and maintenance of the public schools in said district.

Canvass of votes.

Returns.

Effect of election.

Collection of tax.

Appropriation.

Sec. 5. That if a majority of said qualified voters shall not vote for said additional tax, then other elections shall, upon application by said board of trustees, be thereafter held under this act: *Provided*, said elections shall not be held oftener than once a year.

Further elections.

Proviso: limit of number.

Former tax not affected.

Sec. 6. That this act shall not be construed to release or to repeal or in any manner interfere with any annual taxes heretofore voted by said district for school purposes.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 151.

AN ACT TO CHANGE THE NAME OF SPECIAL-TAX DISTRICT, No. 1, IN LUMBER BRIDGE TOWNSHIP (WHITE RACE) IN ROBESON COUNTY; TO CREATE LUMBER BRIDGE GRADED SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS; AND TO LEVY AN ADDITIONAL TAX.

The General Assembly of North Carolina do enact:

Lumber Bridge graded school district created if tax and bonds are voted.

Section 1. That upon the majority of the qualified voters residing in the territory hereinafter described in this section voting in favor of the special tax and bonds hereinafter provided for, the name of Special-tax District, Number One, white race, in Lumber Bridge Township, Robeson County, shall be changed, and a taxing district to be known and designated as Lumber Bridge Graded School District shall be and is hereby created, and the boundaries of the said Lumber Bridge Graded School District shall be as follows:

Boundaries.

Beginning where the Mill Branch empties into the Little Marsh, and runs with said Mill Branch to the upper or west line of D. L. Sinclair's land; thence with D. L. Sinclair's west line to the Great Marsh; thence with the Great Marsh to the Hoke County line; thence as the Hoke County line to a point opposite M. D. Averitt's residence; thence a direct line (including the lands of M. D. Averitt) to Sandy Grove; thence a line running so as to include the lands of J. D. Malloy and between the lands of S. J. Cobb and Martha H. Cobb to the Little Marsh; thence up the Little Marsh to the confluence of Mill Branch, at the point of beginning.

Name if act is ratified by voters.

Sec. 2. That upon the ratification of this act by a majority of the qualified voters residing in the above described territory, the name of said taxing district shall be changed, and shall be "Lumber Bridge Graded School District," and the board of trustees hereinafter named and their successors in office shall be and they are hereby constituted a body corporate by the name and style of "Board of Trustees of Lumber Bridge Graded School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, devise, or otherwise, real estate and personal property, hold, exchange,

Incorporation.

Corporate name.

Corporate powers.

mortgage, or sell the same, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal. And the said board of trustees is hereby fully authorized and empowered to execute and deliver a mortgage or deed of trust to be signed by its chairman attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property, title to which is or may hereafter be vested in said Lumber Bridge Graded School District, or in said board of trustees, to secure the bonds herein provided for, and the interest on the same. Mortgage as security for bonds.

Sec. 3. That the board of trustees of said Lumber Bridge Graded School District, hereinafter provided for, or their successors in office, shall be and they are hereby authorized and empowered to issue bonds of said Lumber Bridge Graded School District to an amount not to exceed twelve thousand dollars ($12,000), in such denominations as said board of trustees may deem advisable, bearing interest from their date at a rate not exceeding six per cent per annum, with interest coupons attached, payable semiannually, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be in such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from date of issue and at such place or places as said board of trustees may determine: *Provided*, that said board of trustees may issue bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for. Bond issue authorized. Amount. Denomination. Interest. Maturity. Proviso: bonds issued as required.

Sec. 4. That the proceeds arising from the sale of said bonds, or so much thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary, and furnishing the same with all necessary equipment. Appropriation of proceeds.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a price less than par; nor shall said bonds, or the proceeds thereof, be used or devoted to any other purpose than those declared in section four of this act. Sale below par forbidden. Specific appropriation.

Sec. 6. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the graded schools provided for in this act, the board of commissioners of Robeson County shall annually and at the time of levying the county taxes, commencing with the fiscal year beginning next after the ratification of this act by a majority of the qualified voters of the district as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory above described under the provisions of Revisal, section four thousand one hundred and fifteen and which special tax, upon the ratification of this act by a majority of the qualified voters of the above described territory, shall be levied Additional special tax.

upon all taxable property and polls in the above described territory, levy an additional particular or special tax on all persons and property subject to taxation within the above described territory, not to exceed twenty cents on the one hundred dollars assessed valuation of property and not more than sixty cents on each taxable poll.

Limit of rate.

Collection and settlement of tax.

Sec. 7. That said taxes shall be collected by the Sheriff of Robeson County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of the board of trustees of said Lumber Bridge Graded School District: *Provided*, that the said treasurer of said board of trustees shall first enter into a good and sufficient bond, payable to the board of trustees, in such amount as the said board may direct, conditioned for the faithful safe-keeping and disbursing of the said taxes and all other public school moneys which may come into his hands for the use and benefit of said graded school district.

Proviso: treasurer to give bond.

Act to be submitted to voters.

Sec. 8. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act, at an election to be held on the first Monday in May, one thousand nine hundred and thirteen. That thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in one or more newspapers published in the county of Robeson, or by printed circulars or notices posted in at least ten places in the above described territory. It shall be the duty of the board of commissioners of Robeson County to appoint a registrar and two judges of election to conduct said election, all of whom shall be qualified voters residing in said territory. It shall be the duty of said registrar to make a new registration of all the persons entitled to vote for members of the General Assembly, residing in the territory above described, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly, at some fixed place in the town of Lumber Bridge, for four successive Saturdays, between the hours of eight A. M. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory, and only those persons who are duly registered in accordance with the provisions of this act shall be deemed qualified voters under the provisions of this act. All challenges of voters may be entered on any registration day and shall be passed upon by the judges of election and registrar on the day of election. Said registrar shall receive as compensation for his services the sum of three cents for each voter registered by him and the sum of three dollars for his attendance on the day of election; and the judges of election shall receive the sum of three dollars each for their services on the day of election, including making up the returns. Said registrar shall post in the town of Lumber Bridge and at least five other public places in said territory, notice of the days, hours, and place of registration. For the

Notice of election.

Election officers.

New registration.

Challenge days and challenges.

Pay of registrar.

Pay of judges of election.

Notice for registration.

Voting place and hours of voting.

purpose of this act the polls shall be opened at the regular voting place in the town of Lumber Bridge at the hour of eight o'clock A. M., and shall close at sundown. All costs in connection with the holding of such election shall be paid from the funds of Robeson County, and it shall be the duty of the board of commissioners thereof to pass upon and pay all bills therefor. Cost of election.

Sec. 9. At said election, those who are in favor of the creation of said graded school district and the issuance of the bonds herein provided for shall vote a written or printed ballot with the word "Approved" upon it, and those who are opposed to the creation of said district and the issuing of said bonds shall vote a written or printed ballot with the word "Disapproved" upon it. The number of voters registered and the number of ballots cast for and against the creation of the district and issuing said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Robeson County, who shall furnish to the board of trustees a certified copy thereof under his hand and seal, and he shall also send a like copy to the Secretary of State, who shall file the same in his office. If at the election, a majority of the qualified voters of said district shall vote "Approved," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees and take such steps as may be necessary for the issuance and sale of the bonds herein provided for, and shall enter upon the duties enjoined upon them by this act. Ballots. Count and return of registration and votes. Record of returns. Trustees to qualify. Issuance and sale of bonds.

Sec. 10. That M. L. Marley, Leslie L. Shaw, John W. Cobb, Dr. Thomas Stamps, and H. M. John be and they are hereby constituted and appointed the board of trustees of said Lumber Bridge Graded School District as herein provided; and John W. Cobb and H. M. John shall hold their office for two years, and M. L. Marley, Leslie L. Shaw, and Dr. Thomas Stamps shall hold their office for four years; and each trustee shall hold until his successor shall be appointed and shall qualify in accordance with the provisions of this act; and the term of office of said trustees shall be considered as beginning on the first Monday in May, one thousand nine hundred and thirteen. Trustees named. Terms of office. Beginning of term

Sec. 11. In addition to the board of trustees herein provided for, the members of the board of trustees of the State High School located within the limits of the above described territory, and their successors in office, shall be *ex officio* members of the board of trustees of said Lumber Bridge Graded School District, and the said trustees of the said State High School and their successors in office under existing law shall have all the rights and privileges and possess the same powers, including the right to vote, herein conferred upon the other members of the said board of trustees of the said Lumber Bridge Graded School District under the provisions of this act. Trustees of high school ex officio trustees.

Sec. 12. Sixty days prior to the time when the term of office of any class of the trustees hereinbefore named shall expire, it shall Notice for election of trustees.

be the duty of the chairman and secretary of the board of trustees of said graded school district to cause a written or printed notice to be posted at at least five public places within the territory specified in section one of this act notifying all the qualified voters of the said graded school district that at a time to be fixed in the said notice (and not later than thirty days after the first publication of said notice) the qualified voters of said graded school district will meet at the regular voting place in the town of Lumber Bridge for the purpose of nominating members of the board of trustees of the said Lumber Bridge Graded School District to succeed those trustees whose terms are so about to expire, and the said notices shall remain posted thirty days prior to the time fixed for the said meeting. At the day and time specified for such meeting, the same shall be called to order by the chairman of the said board of graded school trustees, and he shall state the object of the meeting, and a ballot shall thereupon be taken, and each qualified voter of the said graded school district shall be entitled to vote to nominate members of the said board of trustees to succeed those whose terms are about to expire, and no one shall have any right to vote unless he be a duly qualified voter of the said graded school district. The ballots shall be counted by the secretary of the said board of graded school trustees, and he shall make out a return of said meeting, under his hand and seal, showing the number of qualified voters present at said meeting, and a list of all persons voted for for member of the board of trustees of said graded schools, with the number of votes received by each, and the said secretary shall forward the said returns within ten days after the holding of the said meeting to the board of education of the county of Robeson.

Nomination of trustees.

Count and return of votes.

Returns to county board of education.

Appointment and term of trustees.

Sec. 13. Whenever the term of office of any class of trustees of said graded schools shall expire, as above provided, their successors shall be appointed for a term of four years by the board of education of Robeson County, the persons to be appointed to be residents and qualified voters of the said graded school district herein provided for: *Provided*, that it shall be the duty of the said county board of education of Robeson County to appoint as such trustees the persons receiving the highest votes for the position of such graded school trustees at the meeting of the qualified voters of the district held under the provisions of section twelve of this act, and in determining who received such highest votes the said board of education of Robeson County shall be governed and controlled by the report and returns of the said meeting of qualified voters as made out and certified by the secretary under the provisions of section twelve of this act.

Proviso: nominees of voters to be appointed.

Vacancies.

Sec. 14. That all vacancies in the board of trustees of said graded school district caused by death, resignation, removal from the district, or otherwise, shall be filled by the remaining members of the board, and the person so appointed shall fill out the unexpired

term, and then his successor shall be appointed by the county board of education of Robeson County upon the recommendation of the qualified voters of said district in meeting assembled as hereinbefore provided in this act.

Trustees not officers.

Sec. 15. The office of trustee of said graded school district shall not be deemed or considered as a public office within the purview and meaning of the Constitution of North Carolina.

Trustees to elect chairman and secretary.

Sec. 16. That after the ratification of this act by a majority vote of the qualified voters residing in said territory, said board of trustees, at their first regular meeting, and annually thereafter on the first Monday in June in each year, shall elect from their number a chairman and a secretary. The said board shall also elect a treasurer, who may or who may not be a member of said board. The treasurer shall have charge of all the moneys received and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive as compensation for his services such sum as may be fixed by said board of trustees, and he shall be required to give such bond as the said board may require. The secretary shall keep the minutes of all meetings and shall attest the signature of the chairman to all legal documents, and he shall be the custodian of the corporate seal, and shall issue, by order of the board, all orders or warrants for the payment of money.

Treasurer.

Monthly reports.

Compensation and bond of treasurer.

Duties of secretary.

Annual reports of trustees.

Sec. 17. That it shall be the duty of the said board of trustees to make annually to the board of education of Robeson County, after the close of each school year, a full and complete report of the operation of said graded schools, together with a financial report, which shall show all receipts and disbursements, and the said report shall contain such data and other information as may be required under the general school law or by order of said board of education; and a copy of said report shall be posted in some public place in the town of Lumber Bridge for the information of the voters of said district.

Qualifications for teachers.

Sec. 18. Said board of trustees shall not employ as a teacher in said graded schools any person who shall not be entitled to teach in the public schools of Robeson County under the general school law. The board of trustees shall have the right, in the exercise of their discretion, to admit to the said graded schools students or pupils outside the said graded school district, and to charge, collect, and receive such tuition or other charges as may be fixed by the said board of trustees.

Nonresident pupils.

Sinking fund.

Sec. 19. That it shall be the duty of the said board of trustees of said Lumber Bridge Graded School District, commencing with the fifth year after their first qualification under the provisions hereof, to provide a sinking fund for the payment of the principal of the bonds issued hereunder at maturity, and, for that purpose, to set apart from the taxes collected year by year, or the moneys appropriated to said school district, a sum sufficient to fully pay

Investment of sinking fund.

off and discharge the principal of said bonds at maturity, which said sinking fund shall be kept safely and securely invested or loaned out on first mortgage on real estate security located in the county of Robeson, worth at least double the amount of the said loan. It shall also be the duty of the said board of trustees to provide for the payment semiannually of the interest on said bonds, and for that purpose to set apart from the taxes collected or moneys appropriated or apportioned to said school district, a sum sufficient to pay the same.

Fund for payment of interest.

Moneys to be paid to school treasurer.

Sec. 20. That all public school funds derived from the State and county of Robeson, and which may from time to time be collected and apportioned under the general school law for school purposes for the children of the said territory, and all moneys to which the said school district may be entitled by reason of any special tax, gift, apportionment, appropriation, or otherwise, shall be paid to the treasurer of the said board of trustees, and shall be by him paid out under the order of the said board for the proper maintenance of the schools located in said Lumber Bridge Graded School District, and under the provisions hereof: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Proviso: donations.

Present taxes not affected.

Sec. 21. That in case a majority of the qualified voters of the above territory shall not vote "Approved," nothing herein contained shall interfere with the collection of the taxes for the special taxing district which now constitutes and forms said territory, but, in such case, the said special taxing district, and the trustees thereof shall remain as at present constituted.

Further elections.

Sec. 22. That in case a majority of the qualified voters shall not vote "Approved" at the election hereinbefore provided for, the board of commissioners of Robeson County, upon the petition of one-tenth of the qualified voters residing in the said territory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint the judges of election and registrar for said election, and shall appoint the time and place for the holding of said election, and the machinery for said election, so far as applicable, to be as hereinbefore provided.

Present taxes not affected.

Sec. 23. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be voted for the issue of bonds shall be over, above, and separate and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of Revisal, section four thousand one hundred and fifteen; and upon the ratification of this act by a majority of the qualified voters of said graded school district, the special and particular taxes herein provided for shall be levied

over, above, and in addition to the special school taxes now levied or collected under authority of existing law.

Sec. 24. That all laws or clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 25. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 152.

AN ACT TO PERMIT WAKELON GRADED AND HIGH SCHOOL DISTRICT, IN WAKE COUNTY, TO VOTE AN ADDITIONAL $15,000 OF BONDS.

The General Assembly of North Carolina do enact:

Section 1. That a majority of the trustees of the Wakelon Graded and High School District, in Wake County, North Carolina, be and is hereby authorized and empowered to petition the board of county commissioners of Wake County, North Carolina, to call an election in said district, at a time and place to be specified by them, to determine the question, "Shall the Wakelon Graded and High School District, in Wake County, issue an additional fifteen thousand dollars of the bonds of said district, with interest coupons attached, to enlarge the graded and high school building in said district?" Petition for election on additional bond issue. Amount.

Sec. 2. That upon said request of a majority of the trustees, as aforesaid, it shall be the duty of the said board of county commissioners of Wake County to order an election to be held in said district, at such time and place as may be specified in said request, to determine the question, "Shall the Wakelon Graded and High School District, in Wake County, issue an additional fifteen thousand dollars of the bonds of the said district, with interest coupons attached, to enlarge the graded and high school building in said district?" That said board of county commissioners shall, at least thirty days preceding such election, give notice of said election and purpose thereof, by publication in one or more newspapers published in said county and at such other places as may be determined upon by it. Election to be ordered. Notice of election.

Sec. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all of the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registra- Law governing election. Proviso: new registration.

Proviso: election officers.

tion books as it may see fit and proper: *Provided further,* that said board of county commissioners shall appoint a registrar and judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of county commissioners at their next regular meeting next following the election, and said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

Count and return of votes.

Canvass and record of returns.

Ballots.

Sec. 4. That at said election the ballots tendered and cast shall have written or printed upon the same "For School Bonds" or "Against School Bonds," and all qualified electors who favor the issue of bonds shall vote a ticket on which shall be written or printed the words "For School Bonds," and all qualified electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the word "Against School Bonds."

County commissioners to prepare bonds.

Denomination.

Sec. 5. That if a majority of the votes cast in said election shall be "For School Bonds" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Wake County to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed fifteen thousand dollars, which said bonds shall bear a rate of interest not to exceed six per cent per annum, with interest coupons attached payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times, not exceeding twenty-five years from the date of issue, as the said board of county commissioners of Wake County may determine; that said bonds and coupons attached thereto shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and that said bonds shall have upon them the seal of the county; that said bonds shall be styled bonds to enlarge the graded and high school building in Wakelon Graded and High School District of Wake County.

Interest.

Maturity.

Authentication.

Entitlement.

Delivery and sale of bonds.

Sec. 6. That upon the preparation, signing, and executing of said bonds, said board of county commissioners shall deliver the same to the treasurer of the school fund in Wake County, who shall sell said bonds at such times and in such manner as the said board of education for Wake County may direct; that none of said bonds or the proceeds thereof shall be used by said board of education for any other purpose than that provided by this act; that said bonds shall be numbered consecutively, and the coupons

Specific appropriation of proceeds.

attached shall bear the numbers of the bonds to which they are attached. The bonds and coupons shall state the time, place, when they are due and when payable and by what authority they were issued. The said board of education for Wake County shall record all the proceedings in respect to said bonds in the minutes of its meeting, and, when sold, the numbers of the bond or bonds, the denominations, to whom sold, and the number of coupons attached. Record of bonds.

Sec. 7. That when said bonds are issued and sold, the proceeds thereof shall be deposited with the treasurer of the school fund for Wake County, and the same shall be expended by said board of education in such manner and for such uses and purposes in the building and equipment of said graded and high school building and maintenance of said school as a majority of the trustees herein mentioned shall direct, and no other; that the said treasurer of the board of education shall keep said funds provided for in this act which may come into his hands, separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duties in this respect the said treasurer shall execute an official bond, payable to the State of North Carolina for the use of said trustee, in the usual manner, in such an amount as the board of county commissioners may direct. Deposit and expenditure of proceeds. Funds and accounts kept separate. Bond of treasurer.

Sec. 8. There shall be no additional levy of taxes made in said district on account of this additional issue of bonds. The payment of the interest upon the bonds provided for in this act and the creation of a sinking fund sufficient to meet the payment of said bonds at maturity shall be made and provided for out of a fund derived from the levy of twenty cents special bond tax, for said district, provided for by chapter twenty (20), Private Laws of North Carolina of one thousand nine hundred and nine, which has heretofore been voted in said district and is being annually levied and collected, and the duties of the Treasurer of Wake County in regard to the sinking fund aforesaid and the payment of the interest on the aforesaid bonds herein authorized shall be the same as are prescribed in the aforesaid chapter twenty (20), Private Laws of North Carolina of one thousand nine hundred and nine, section eight (8), as regards the issue of bonds therein authorized and heretofore voted and issued: *Provided*, that any balance of the fund accruing from the levy and collection of the aforesaid tax of twenty cents on the one hundred dollars of property and sixty cents on the poll, after paying the interest on, and providing a sinking fund for, the bonds already issued and herein authorized, may be used for such school purposes in said district as a majority of the trustees may direct. No additional tax levy. Interest and sinking fund. Proviso: surplus of fund.

Sec. 9. That this act shall apply only to the Wakelon Graded and High School District, in Wake County. Application of act.

Sec. 10. That all laws and clauses of law in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 153.

AN ACT TO AUTHORIZE THE LEVY OF AN ADDITIONAL TAX IN THE DUNN GRADED SCHOOL DISTRICT IN HARNETT COUNTY.

Preamble: debt incurred for improvement.

Preamble: present tax insufficient.

Whereas the board of trustees of the Dunn Graded School District have enlarged and improved the school buildings of said district, and for said purpose have contracted an indebtedness, which is an obligation of said board; and whereas the present special taxes levied and authorized to be levied in said district, to wit, thirty cents (30 cents) on each one hundred dollars ($100) valuation of property and ninety cents (90 cents) on each taxable poll, are insufficient to enable said board to discharge said indebtedness and at the same time maintain the public schools in said district at their present standard: Now, therefore,

The General Assembly of North Carolina do enact:

County commissioners to levy tax.

Section 1. That it shall be the duty of the board of commissioners of Harnett County, upon request of the board of trustees of the Dunn Graded School District, to levy annually on the date when levies are made for county purposes an additional tax of

Tax rate.

seven and one-half cents (7½c) on each one hundred dollars ($100) valuation of property and twenty-two and one-half cents (22½c) on each taxable poll on all subjects of taxation within the Dunn Graded School District in the county of Harnett.

Exclusive uses of tax.

Sec. 2. That said taxes shall be used exclusively for the purpose of improving, enlarging, and equipping the school buildings in said district, for the discharge of any indebtedness of the board on account of the enlargement, improvement, and equipment of said buildings, and for the purpose of maintaining and conducting public schools therein as now authorized by law.

Execution of notes or bonds authorized.

Sec. 3. That for the purpose of funding the indebtedness of the board of trustees contracted for the improvement, enlargement, and equipment of said school buildings, said board is authorized

Interest.

Maturity.

to execute promissory notes or bonds of said school board, bearing interest at a rate not greater than six per cent, and maturing at a date or dates not exceeding two years from date of issue.

Tax not levied but on approval of qualified voters.

Sec. 4. That the additional tax herein authorized shall not be levied, however, until the same shall have been ratified and ap-

proved by a majority of the voters of said school district at an election to be called and held as hereinafter provided.

Trustees to call election.

Sec. 5. That the board of trustees of said school district are hereby authorized and empowered to call an election in said district, of which twenty days notice shall be given in some newspaper published in said district, at which those voters who favor the levy of the additional tax herein authorized shall vote a written or printed ballot containing the words "For Additional School Tax," and those voters opposing the levy of additional tax shall vote a ballot containing the words, printed or written, "Against Additional School Tax."

Notice of election.

Ballots.

Election officers.

Sec. 6. That for the purpose of conducting said election said board of trustees shall appoint a registrar and two judges and shall cause an entirely new registration of the voters in said district to be made, and otherwise as nearly as may be said registration and election shall be conducted as is now provided by law for the conduct of elections in the town of Dunn, and the result of said election shall be declared by the registrar and judges of the election, and a report thereof shall be filed and recorded in the office of the Register of Deeds of Harnett County and on the minutes of the board of trustees of said Dunn Graded School District.

New registration.

Law governing registration and election.

Declaration, report, and record of result.

Effect of election.

Sec. 7. That should a majority of the ballots cast be for additional school tax, then said additional school tax shall be levied as hereinbefore authorized; that should a majority of the voters fail to vote in favor of additional school tax, then no additional tax shall be levied, and in such event the board of trustees are authorized either to reduce the length of the terms of the schools held in said district or to suspend the same for such time as shall enable said board, with the present tax levy, to discharge the indebtedness of said board contracted as aforesaid.

Reduction of school term or suspension of school.

Sec. 8. That all laws and clauses of law in conflict with this act be and the same are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 154.

AN ACT TO ENABLE THE HERTFORD GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of graded school trustees of Hertford, constituted a corporate body by an act of the General Assembly, chapter three hundred and thirty-six, Private Laws of North Carolina for the year one thousand nine hundred and five, shall be

Amount.

Denomination.

Maturity.

Interest.

and they are hereby authorized to issue bonds of the Hertford Graded School District, established by said act, to an amount not exceeding ten thousand dollars ($10,000), in addition to the bonds provided for in act above referred to, to be issued in denominations as may seem advisable to the said board of trustees, to be payable thirty years from the date of issuance and bearing interest at five per cent per annum, which interest shall be evidenced by interest coupons payable annually. Said bonds and coupons shall be payable at such place or places as the board of trustees may determine.

Appropriation of proceeds.

Sec. 2. That the proceeds arising from the sale of said bonds shall be expended by said board of trustees in providing by purchase or otherwise such additions to buildings and equipments, and such furniture and improvements to school and grounds belonging to the graded school district, as they in their judgment may deem needful from time to time.

Resolution for issuing bonds.

Sec. 3. That before any bonds are issued by virtue of this act, the board of graded school trustees shall at some regular meeting, or at a special meeting called for the purpose, pass a resolution setting forth the purposes for which bonds are issued and the amount desired for each purpose, and said resolution shall be presented to the board of commissioners of the town of Hertford, who shall thereupon order the election to be held by the qualified voters of said town, to vote upon the question of issuing bonds of said Hertford Graded School District provided for in the resolution of the board of trustees. That said election or elections shall be held after thirty days notice of time and place, and said notices of said election or elections shall state the purposes for which said bonds are to be issued and the amounts of bonds to be issued therefor. Those qualified voters in favor of issuance of said bonds shall vote a ballot "For Bonds," and those against the issuance of said bonds shall vote a ballot "Against Bonds." Said elections shall be held and returns thereof be made under the same provisions, rules and regulations as exist in cases of election of mayor and board of commissioners of said town.

Town commissioners to order election.

Notice of election.

Ballots.

Law governing elections.

Elections on whole or on parts of issue.

Sec. 4. That said board of graded school trustees may in their discretion ask for issuance of a total sum of bonds provided for at any one election or may ask for any part of said sum at any election, and shall have the right and power to require the commissioners of the town of Hertford to call elections to vote upon the issuance of any part of the bonds herein provided for, and for each of the purposes herein set out, at any time they may deem advisable: *Provided, however*, that they shall not call, require, or ask that any election be held within six months of any other election held hereunder: and *Provided further*, that the total amounts of bonds issued from time to time not to exceed ten thousand dollars ($10,000), as herein provided: *Provided further*, that there shall not be any elections under this act after July first, one thousand nine hundred and sixteen.

Proviso: limit of elections.

Proviso: total amount of bond issue.

Proviso: limit of time.

Sec. 5. That in addition to the taxes authorized to be levied under the act of the General Assembly, chapter three hundred and thirty-six of Private Laws of North Carolina for the year one thousand nine hundred and five, the commissioners of the town of Hertford are hereby empowered and directed to levy from time to time, and collect as other taxes are collected, a sufficient tax to pay the interest on and provide a sinking fund for the bonds issued from time to time under this act: *Provided*, that the total tax levied for the purpose of paying interest and providing a sinking fund for bonds issued under this act shall not exceed a tax of ten cents on the one hundred dollars worth of property and thirty cents on the poll, in one year.

Additional special tax.

Proviso: limit of tax rate.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 155.

AN ACT TO PROVIDE FOR THE ELECTION BY POPULAR VOTE OF THE SCHOOL COMMITTEEMEN OF THE TOWN OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. That section four of chapter four hundred and three of the Public Laws of one thousand eight hundred and ninety-one, being an act entitled "An act in relation to the public schools of the town of Shelby, and providing for the levying of a tax to support the same," be repealed, and the following substituted in lieu thereof: "That the school committee of the town of Shelby shall be composed of five members, one for and from each ward in the town of Shelby, and one for the town at large, and said committeemen shall be elected at the same time and in the same manner as the mayor and board of aldermen of the town of Shelby are elected, and shall qualify at the same time the mayor and board of aldermen qualify, and said committeemen shall be elected to hold office for the term of two years. Whenever any vacancy occurs in said school committee, except by expiration of the term of office, the vacancy for the unexpired term shall be filled by said committee, and if at any time a vacancy of the entire board shall occur, then in such case the superintendent of public instruction for the county of Cleveland shall fill said vacancy by the appointment of a new committee for the unexpired term. The term of office of each member of present school committee shall expire on May first, one thousand nine hundred and thirteen."

Number and residence of committeemen.

Election, qualification, and term.

Vacancies.

Term of present committee.

Officers of town.

Sec. 2. That section six of chapter one hundred and ninety-four of Private Laws one thousand nine hundred and one, entitled "An act to amend, revise, and consolidate the charter of the town of Shelby," have added thereto the following: "and five school committeemen for the town of Shelby, one of said school committeemen for and from each ward of said town, and one for the town at large, each of whom shall hold office for the term of two years from and after his election, and until his successor is appointed."

School committeemen.

Sec. 3. That section seven of chapter one hundred and ninety-four, Private Laws one thousand nine hundred and one, be amended by inserting between the words "aldermen" and "shall," in the first line of said section, the following: "and school committeemen."

Count of votes.

Sec. 4. That section eleven of chapter one hundred and ninety-four, Private Laws one thousand nine hundred and one, be amended by inserting between the words "aldermen" and "counted," in line seven of said section eleven, the words, "and school committeemen."

Ballots.

Sec. 5. That section twelve of chapter one hundred and ninety-four of Private Laws one thousand nine hundred and one be amended by inserting between the words "aldermen" and "on," in line two of said section twelve, the words, "and school committeemen," and by adding to said section the following: "The ballot shall indicate the committeemen for each ward, and for the town at large."

School committeemen-elect.

Sec. 6. That section fourteen of chapter one hundred and ninety-four, Private Laws one thousand nine hundred and one, be amended by inserting in line three of said section, between the words "aldermen" and "elect," the words, "and school committeemen."

School committeemen.

Sec. 7. That section fifteen of chapter one hundred and ninety-four, Private Laws one thousand nine hundred and one, be amended by inserting in line one of said section, between the words "aldermen" and "elect," the words, "and school committeemen."

School committeemen.

Sec. 8. That section sixteen of chapter one hundred and ninety-four, Private Laws one thousand nine hundred and one, be amended by inserting between the word "aldermen," in line one of said section, the words, "and school committeemen."

Repealing clause.

Sec. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

Sec. 10. That section one of this act be in force from and after May first, one thousand nine hundred and thirteen, and that the remaining sections of this act be in force from and after the ratification of this act.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 156.

AN ACT TO ALLOW THE TOWN OF WENDELL, NORTH CAROLINA, TO ISSUE BONDS FOR THE PURPOSE OF BUILDING, EQUIPPING, AND MAINTAINING LIGHTING OR POWER PLANT, AND FOR THE PURPOSE OF IMPROVING ITS STREETS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of ascertaining the will of the citizens of the town of Wendell, Wake County, upon the question of issuing bonds in an amount not exceeding fifteen thousand dollars, for the purpose of building, equipping, and maintaining an electric light or power plant, and not exceeding ten thousand dollars for the purpose of improving its streets and sidewalks, the commissioners of said town are authorized and directed to provide for a new registration and holding an election or elections at all the voting precincts in said town of Wendell, under such rules, regulations, and methods, and at such time or times, as the said commissioners may determine upon, which shall reasonably conform to the provisions of chapter ninety of the Revisal of nineteen hundred and five, sections five, six, seven, eight, and nine. It shall be within the discretion of said commissioners to submit each proposition separately and at different times to voters of the said town, or to submit them both at one and the same election; and if these propositions are voted upon at the same election, each one shall be separately stated on the ballot. One registrar and two judges of election for each voting precinct in said town shall be appointed by the board of county commissioners at one of their regular meetings, or at a meeting called specially for the purpose, after giving ten days public or private notice. At the election held for the purpose of voting for the construction, equipment, and maintenance of an electric light or power plant, all voters qualified to vote therein who favor the issuance of said bonds shall vote a ticket with the words "For an Electric Light Plant" printed or written thereon, and those who oppose the issuance of the bonds for that purpose shall vote a ticket with the words "Against an Electric Light Plant" printed or written thereon; and if at the same election the proposition for street improvements is submitted, then on the same ticket, but separately stated, those who favor the issuance of said bonds for the purpose of improving the streets and sidewalks of said town shall vote a ticket with the words "For Street Improvements" printed or written thereon, and those who oppose the issuance of the bonds for such improvements shall vote a ticket with the words "Against Street Improvements" written or printed thereon; and if these propositions should be voted upon at a

Election on bond issues.

Amount for light plant.

Amount for streets and sidewalks.

New registration.

Law governing registration and election.

Elections separate or together.

District votes.

Election officers.

Ballots on light plant.

Ballots on street improvements.

separate election, then the tickets shall only contain the words applicable, as above set forth. The registrar and judges of election of each voting precinct shall meet at their respective precinct polling places on such dates and between such hours as may be designated by the said commissioners, and shall hear any complaints for refusal of registration and all challenges which may be made against persons admitted to registration, and shall determine the same according to the provisions of the general election laws of this State. At the close of the election in each precinct, the votes shall be counted and returned over the signatures of the registrar and judges of election to the board of commissioners of said town; and on the Monday following such election the board of commissioners of Wendell shall meet at the city hall, or any other public place they may select, as a canvassing board, and shall receive such returns of said election, canvass and judicially pass upon the same, and declare the results of such election, and shall cause such returns to be recorded in the minute-book kept of the proceedings of the said board. If a majority of those voting at said election shall have voted in favor of either one or both of said propositions submitted to them, the said commissioners shall levy a special tax to provide for the interest on and principal of said bonds in such amount or at such rate as the said board may deem sufficient, which taxes shall be collected and accounted for as other taxes are in the town of Wendell, and the officer collecting the same or who at any time may be in charge thereof shall be subject to the same liability for the collection of and accounting for such taxes as he would be in the case of other taxes, and he shall pay the same to the treasurer of the said town, and the said commissioners may increase or fix the bonds of any such officer who collects the moneys or in whose charge they are placed, in such amount or amounts as they may deem proper. Should the said bonds issued upon either one or both propositions be voted favorably upon, then the bonds to be issued under this act shall be interest-bearing coupon bonds, the par value thereof, the form or style of bond, to be determined upon by the said commissioners in their discretion.

Challenge days and challenges.

Count and return of votes.

Canvass and record of returns.

Special tax.

Collection and settlement.

Bonds of officers.

Coupon bonds.

Form and style of bonds.

Light votes.

Sec. 2. That the commissioners of said town, should the proposition of building, equipping, and maintaining an electric light or power plant be voted favorably upon, are authorized and empowered to make or fix such rate of charges for the furnishing of electricity to its citizens or residents as they may deem advisable.

Expense of election.

Sec. 3. That expense of any election or elections held under the provisions of this act shall be paid by the treasurer of said town out of its general funds upon the order of said board.

Further elections.

Sec. 4. That in case a majority of the votes cast at any election contemplated by this act shall be opposed to either or both of these propositions, then the said commissioners may, in their dis-

cretion, but not less than six months after any such election, order another election or elections for the same purpose and under the same provisions or regulations as those hereinbefore provided for.

Law governing elections.

Sec. 5. That chapter ninety of the Revisal of nineteen hundred and five, and all public laws amendatory thereof, shall be in force at any election held under the provisions of this act, when reasonably applicable and not in conflict herewith.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 157.

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO ISSUE GRADED SCHOOL BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the city council of the city of Kinston be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of fifty thousand dollars, and in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per centum per annum, and payable semiannually on the first day of January and the first day of July of each year, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by the city council and named therein, not to be less than twenty (20) nor more than fifty (50) years from the date thereof: *Provided, however*, that the said city council of the city of Kinston may divide said bonds into classes, as they may determine best, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the city of Kinston and countersigned by the clerk of the said city, and have the corporate seal of said city affixed thereto, and the coupons thereto attached shall be signed by the mayor of said city and countersigned by said clerk; that the record shall be kept of said bonds, showing the numbers and denominations thereof and to whom sold, the dates of issuing thereof and when the same will mature, and the interest-bearing rate thereof, and the amount received from the sale of the same, and the date of paying the proceeds into the treasury of the said city, and such other data in relation to the same as the city council may direct to be kept.

Amount.

Denomination.

Interest.

Maturity.

Proviso: bonds may be classified.

Authentication.

Record of bonds.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the treasurer of the city shall receive all such moneys paid in the purchase of the

Sale below par forbidden.

Treasurer to receive proceeds.

Liable on bond.

bonds in his official capacity as treasurer of said city, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act or may be provided otherwise by the laws relating to the treasurer of the said city

Bond of treasurer.

of Kinston; and it shall be the duty of the said city council of the city of Kinston to see to it that the bond of the said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bond, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from office as treasurer.

Funds kept separate.

Sec. 3. That the treasurer of the city of Kinston shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the board of trustees of the Kinston Graded Schools (the body corporate created by and existing under chapter ninety-six, Laws of one thousand eight hundred and ninety-nine, entitled "An act to create graded schools in the town

Use of proceeds.

of Kinston, North Carolina"), and said money shall be expended in the purchase of lands in the city of Kinston, if the said board of trustees shall deem proper, and the erection thereon of suitable buildings (as said trustees may deem best) and furnishing the same with proper equipments and furniture to enlarge the facilities of the Kinston Graded Schools, and for all other purposes as the said board of trustees of the Kinston Graded Schools may

Proviso: act submitted to voters.

deem proper and order the same to be disbursed: *Provided, however*, this act shall be submitted to the qualified voters of the city

Time of election.

of Kinston for their ratification at an election to be held on Tuesday after the first Monday in May, one thousand nine hundred

Advertisement of election.

and thirteen; the said election shall be advertised by the city council of the city of Kinston in a notice signed by the mayor and clerk of said city for thirty days prior to the day of election in the Kinston Daily Free Press, a newspaper published in the city

Election officers.

of Kinston, or any other paper published in the said city, and said election shall be held under the supervision of inspectors and pollholders, or judges of election, appointed for the purpose of holding and conducting the election of mayor and city council of said city on Tuesday after the first Monday in May, one thousand nine

Returns.

hundred and thirteen, and the returns of the result of said election shall be made and certified in like manner as all other elec-

Canvass of returns.

tions in said city, and in like manner the returns of said election and the result thereof be canvassed by the same authority and officers as shall canvass the result of the election of mayor and city council of the city of Kinston, and the result accordingly de-

Ballots.

clared. At the said election those who are in favor of issuing said bonds shall vote "For Graded School Bonds," and those opposed shall vote "Against Graded School Bonds," on written or

printed ballots; that the number of ballots cast for and against the said bonds and deposited in the box which shall be provided for that purpose shall be counted and the result of said election certified and returned as in the case of the election of mayor and city council of the city of Kinston, and the same when canvassed and declared as aforesaid shall be enrolled on the minutes of the city council of the city of Kinston. If at the said election a majority of the qualified voters of the city of Kinston do not vote "For Graded School Bonds," then the said bonds shall not be issued under the authority of the election hereinbefore mentioned; but if at said election the ballots cast "For Graded School Bonds" shall be a majority of the qualified voters of the city of Kinston, then the said city council of the city of Kinston shall proceed at once to issue and sell the bonds, or as many thereof as shall be necessary in the judgment and discretion of the said board of trustees of the Kinston Graded Schools for the purposes aforesaid, not exceeding the amount of fifty thousand dollars.

Count and certificate of votes.

Record of result.

Effect of election.

Sec. 4. If the notice of the election to be held on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, as hereinbefore provided for, shall not be ordered by the city council of the city of Kinston prior to the twenty-fourth day of March, one thousand nine hundred and thirteen, then and in that event it shall be the duty of the city council to assemble in special session on the twenty-fourth day of March, one thousand nine hundred and thirteen, and order the notice of said election as hereinbefore provided for.

Special session for ordering election.

Sec. 5. If at the election hereinbefore provided for the result shall be against issuing said bonds, then at any time thereafter within one year from the date of the said election, at the request of the board of trustees of the Kinston Graded Schools, the city council of the city of Kinston shall call a special election, at which shall be submitted the question of issuing bonds as hereinbefore provided for. If said special election shall be called, the city council shall order a new registration of the qualified voters of the Kinston Graded School District as the same may then exist and shall appoint a registrar and make all necessary regulations concerning the election, and manner and method of holding the same, in keeping with the provisions of the State laws with reference to elections in municipalities; which said election, however, shall in all respects apply to the Kinston Graded School District as the same may then exist.

Further elections.

New registration.

Sec. 6. That in order to pay the interest on said bonds as the same becomes due and to create a sinking fund for the retirement of said bonds at their maturity, it is required and directed that a special tax shall be levied and collected in addition to all other taxes in the city of Kinston, which special tax shall not exceed fifteen cents on each one hundred dollars worth of taxable property and forty-five cents on each poll in said city, observing the equa-

Special tax.

Limit of rate.

tion of taxation between property and polls fixed by the Constitution of the State of North Carolina for the purposes of State and county taxation: *Provided*, that the taxes collected under this act for the purposes aforesaid shall be kept separate and apart from all other taxes and shall be used for no other purposes than those expressed above.

Proviso: funds kept separate.

Trustees of sinking fund.

Sec. 7. The city council of the city of Kinston may, if in their opinion it becomes necessary or advisable, appoint one or more trustees, whose duty it shall be to receive all taxes collected under this act for the purpose of creating a sinking fund to pay the principal of said bonds at maturity; and the said city council may prescribe the duty of said trustee or trustees, fix the amount of his or their compensation, and the bond for the faithful performance of the duty or duties on his or their part. It shall be the duty of said trustee or trustees to invest or lend the money coming into his or their hands for the purpose of creating a sinking fund in safe securities, or upon real estate situated in the city of Kinston.

Compensation and bond.

Investment of sinking fund.

Compensation of treasurer.

Sec. 8. The treasurer shall be allowed such compensation for his services required under this act as may be fixed and allowed by the board of trustees of the Kinston Graded Schools.

Use of surplus.

Sec. 9. If after the retirement of all bonds hereinbefore provided for there shall remain a surplus from the taxes collected, it may be used for any school purposes for the Kinston Graded Schools, as the board of trustees of said schools may deem proper and advisable.

Sec. 10. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall be in force and effect from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 158.

AN ACT TO INCORPORATE THE TOWN OF SOUTH CREEK, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Subject to general law.

Section 1. That the town of South Creek in the county of Beaufort be and the same is hereby incorporated by the name and style of South Creek, and shall be subject to all provisions of law with reference to incorporated towns.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Peach Orchard Gut on Muddy Creek, and running with said Gut and swamp to the main road running to Spring Creek, and then with said road westwardly to

the west side of D. B. Sawyer's plantation, and with the said line southwestwardly to a mile-post on the main road running to Aurora, and then with Saw Pit Branch and Gut to Bond's Creek, and with Bond's Creek to Muddy Creek, and with Muddy Creek to the beginning.

Town officers. Sec. 3. That the officers of said corporation shall consist of three commissioners, one of whom shall act as mayor of said town, and a marshal, to be selected by said commissioners. The Commissioners. following persons shall be commissioners until the first Tuesday in May, one thousand nine hundred and thirteen, to wit: D. U. Martin, H. A. Cook, W. Springer, Jr.

Town elections. Sec. 4. There shall be an election held for the officers mentioned in this act on the first Tuesday in May, one thousand nine hundred and thirteen, and biennially thereafter, under the same laws and restrictions as are provided in the general election laws for elections for incorporated towns. All persons entitled to vote for Voters. members of the General Assembly, and who shall have been *bona fide* residents of the said town for ninety days preceding the day of the election, and shall be otherwise qualified to vote, shall be entitled to vote at any and all elections for said town.

Ordinances. Sec. 5. That the said board of commissioners shall pass all ordinances for the good government, quiet, peace, health, and safety of the town, not inconsistent with the Constitution and laws of the State of North Carolina and of the United States, that they may deem necessary.

Taxes. Sec. 6. That said board of commissioners shall annually levy such taxes on the real and personal property in said town as they may deem necessary for the support of said town, and may pre- Duty and pay of marshal. scribe the duties of the marshal and fix his compensation.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 159.

AN ACT TO AMEND CHAPTER 158 OF THE PRIVATE LAWS OF 1874-75, RELATIVE TO CHARTER OF POLKTON.

The General Assembly of North Carolina do enact:

Corporate limits. Section 1. That section two of chapter one hundred and fifty-eight of the Private Laws of one thousand eight hundred and seventy-four and seventy-five be and the same is hereby amended by striking out, in line two of said section, the words "one-half mile square," and inserting in lieu thereof, "seven-eighths of a mile north, seven-eighths of a mile east, five-eighths of a mile south, and five-eighths of a mile west." Also strike out, in line

two of said section the words "having for the center," and insert in lieu thereof the words "the beginning point shall be."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 160.

AN ACT TO AMEND CHAPTER 169 OF THE PUBLIC LAWS OF 1901, RELATING TO THE COTTON WEIGHER OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Fees for weighing.

Section 1. That section five of chapter one hundred and sixty-nine of the Public Laws of nineteen hundred and one be amended by striking out all after the word "weighed," in line three, and inserting the words, "to be paid by the purchaser."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 161.

AN ACT TO INCORPORATE THE TOWN OF CONWAY IN NORTHAMPTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Section 1. That the town of Conway in the county of Northampton is hereby incorporated by the name and style of Conway.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be a space of three-quarters of a mile running north, south, east, and west from a point where the county road and the Roanoke and Tar River Railroad intersect.

Town officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, five commissioners, and a constable.

First election.

Officers named.

Sec. 4. The first election for mayor and commissioners shall be held the first Monday in May, one thousand nine hundred and thirteen. Until the officers under said first election qualify, the following shall be the officers of said corporation upon qualifying by giving the proper bonds and taking the prescribed oath: Mayor, J. E. Taylor; constable, J. P. Garriss; commissioners, Abner Lassiter, W. T. Bridges, R. T. White, J. O. Flythe, and D. C. Bridges.

Taxing power.

Sec. 5. That the authority to tax real and personal estate and polls shall be governed by the law of the State applying to cities and towns.

Sec. 6. That the commissioners of said town shall have the power to make any by-laws or regulations for the government of said town not inconsistent with the laws of North Carolina. By-laws and regulations.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 162.

AN ACT TO INCORPORATE APEX GRADED SCHOOL DISTRICT, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That District Number One, White Oak Township, Wake County, which is described and bounded and includes the territory lying within the following boundary lines: "Beginning at the point in White Oak Township line where Buckhorn and Holly Springs Township lines intersect said White Oak Township line; running thence in a northwesterly direction with the Buckhorn Township line to the lands of Dr. C. B. Wilkerson (formerly A. B. Freeman's place); thence with said Wilkerson southerly boundary line as it runs, including the entire lands of said Wilkerson, to the lands of Florence A. Garrett and Easter Ann Brown, deceased (formerly lands of Benjamin Brown); thence with the southerly boundary line of said Garrett and Brown lands to the lands of Mrs. Annie E. Carver; thence with her southerly boundary line to the lands of John E. Hughes; thence with his southerly and westerly boundary line to the lands of W. H. Cattlet; thence with his southerly and westerly boundary line to the lands of W. F. Castleberry; thence with his westerly line to the lands of J. H. Sears (formerly the S. C. Seagroves land); thence with his southerly boundary line to the lands of H. T. Beasley; thence with his southerly and westerly boundary line to the lands of J. P. Pearson; thence with J. P. Pearson's westerly and northerly boundary lines to the lands of Aquilla Barnes; thence with her northerly line to the lands of W. F. Utley (formerly the James Penny place); thence with his northerly boundary line to the lands of L. H. Upchurch (formerly the Mills land); thence with said Upchurch's northerly boundary line to the lands of W. B. Johnson; thence with said Johnson's northerly boundary line to the lands of L. R. Burch; thence with said Burch's northerly and westerly line to the Salem Road; thence in a southerly direction with said Salem Road to the lands of Frank Stronach; thence with said Stronach's northerly boundary line to the right of way of the Durham and Southern Railroad; thence in a northerly direc- Boundaries.

tion with the line of the said right of way of the Durham and Southern Railroad to the lands of the Apex Mule and Supply Company; thence with the lines of the Apex Mule and Supply Company to the Salem Road; thence with Salem Road north to the northerly boundary line of the lands of the Apex Mule and Supply Company; thence with said line to the right of way of the Durham and Southern Railroad; thence north with said right of way to the point opposite the northerly boundary lines of the lands of W. B. Johnson; thence across said Durham and Southern Railroad to the said northerly boundary line of W. B. Johnson; thence with his northerly and easterly lines to the lands of the Apex Mule and Supply Company; thence with said Apex Mule and Supply Company to the lands of the S. A. L. Railway (section house tract); thence with the northerly boundary line of said lands of the S. A. L. Railway, crossing the S. A. L. Railway tracks, to the northerly boundary line of J. A. Norris; thence with the said northerly boundary line of the said J. A. Norris to the lands of D. B. Jones; thence with the northerly boundary line of the land of the said D. B. Jones to the lands of C. B. Honeycutt; thence with the northerly boundary line of said C. B. Honeycutt to the lands of W. Z. Atkinson; thence with the northerly boundary lines of said W. Z. Atkinson to the lands of Sewell Howell, deceased; thence with the northerly boundary line of said Howell lands to the northeast corner of said land; thence with the easterly boundary line of said Howell lands to Swift Creek Township line; thence with said Swift Creek Township line in a southerly direction to the Holly Springs Township line; thence with the said Holly Springs Township line to the beginning," be and the same is hereby incorporated under the name and style of Apex Graded School District, Wake County, North Carolina, and is hereafter to be known and styled as such. The above described territory includes the lands of all of the above named parties and the lands of all others lying and being within the lines herein described: *Provided*, that the district above described shall not interfere with the Salem Special-tax District, as the same exists at this time: *Provided*, that nothing in this act shall limit the powers of the county board of education as to changing or determining the lines between special-tax districts.

Incorporation.

Apex graded school district.

Lands included.

Proviso: Salem special-tax district.

Proviso: powers of county board of education.

Admission of contiguous territory.

Sec. 2. Any person or persons whose lands are contiguous to the above described territory may be admitted into the said district with all privileges and be subject to the same taxes as those residing within the district as aforesaid in the same manner provided by section four thousand one hundred and fifteen, chapter ninety-five of the Revisal of one thousand nine hundred and five, and the acts of the General Assembly amendatory thereto, providing for admission into special school-tax districts.

Appointment of trustees.

Sec. 3. That the county board of education of Wake County, North Carolina, upon the ratification of this act, shall appoint a

board of trustees for said district, consisting of three members, who shall be resident freeholders of the said district, who shall hold their office, have the same powers and duties in regard to the schools of said district and be appointed thereto in like manner as district school committeemen are appointed by the said board of education under the general school law of North Carolina, and the acts of the General Assembly amendatory thereto.

Vacancies.

Sec. 4. Any vacancy occurring in the said board of trustees from any cause and the successors to the said trustees shall be appointed by the board of education of Wake County in the same manner as in the case of district school committeemen.

Sec. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 163.

AN ACT TO INCORPORATE THE TOWN OF PENDLETON IN NORTHAMPTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Section 1. That the town of Pendleton in the county of Northampton is hereby incorporated by the name and style of Pendleton.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be a space of one thousand yards running north, south, east, and west from a point where the county road and the Roanoke and Tar River Railroad intersect.

Town officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, five commissioners, and a constable.

First election.

First officers.

Sec. 4. The first election for mayor and commissioners shall be held the first Monday in May, one thousand nine hundred and thirteen. Until the officers under said first election qualify, the following shall be the officers of said corporation upon qualifying by giving the proper bonds and taking the prescribed oath: Mayor, K. R. Maddry; constable, D. K. Edwards; commissioners, W. J. Beale, H. P. Stephenson, B. P. Long, J. R. Beale, and W. T. Lee.

Taxing power.

Sec. 5. That the authority to tax real and personal estate and polls shall be governed by the law of the State applying to cities and towns.

By-laws and regulations.

Sec. 6. That the commissioners of said town shall have the power to make any by-laws or regulations for the government of said town not inconsistent with the laws of North Carolina.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 164.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TRENTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seventy-four, Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended as follows: By adding to section seventeen thereof the following: "That upon petition of a majority of the qualified voters of the town of Trenton, and of those living within half-mile of the corporate limits of said town in every direction, the board of town commissioners of said town are hereby authorized and empowered, in their discretion, to erect and maintain gates across the public roads leading into said town, at or within half-mile of the corporate limits of said town: *Provided*, the town of Trenton shall pay all costs of erecting and maintaining such gates."

Erection of gates authorized.

Proviso: town to pay for gates.

Sec. 2. "Sec. 17½. That any person or persons who for any cause whatever shall fail to shut either of these gates after opening the same shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty-five dollars or imprisoned not more than thirty days."

Failure to shut gates misdemeanor.

Punishment.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 165.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILKESBORO AND ALLOW TOWN OF WILKESBORO TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Wilkesboro is hereby authorized and empowered to issue bonds in the name of the town of Wilkesboro, in such denominations and forms as it may determine, to an amount not to exceed in the aggregate fifty thousand dollars ($50,000), payable at such times and such places as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be less than thirty (30) nor more than fifty (50) years.

Bond issue authorized.

Denomination and form.

Amount.

Proviso: maturity.

Sec. 2. That the said bonds shall bear interest at no greater rate than six per centum per annum, and that the interest shall be payable semiannually, and that the said bonds shall in no case be sold, hypothecated, nor otherwise disposed of for less than their par value and accrued interest.

Interest.

Sale below par forbidden.

Sec. 3. That said bonds shall be signed by the mayor, attested by the city treasurer and sealed with the corporate seal of the town, and shall have interest coupons attached thereto; which said bonds and their coupons shall be exempt from city taxation, which said coupons shall be receivable in payment of city taxes, and which said coupons shall bear the engraved or lithographed signature of the town treasurer. That for the purpose of paying said bonds at maturity and the coupons as they may become due, it shall be the duty of the board of commissioners, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and in the manner and at the same time as other taxes are collected under said charter: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose: *Provided further*, that the city treasurer, as said coupons are paid off and taken up, shall cancel them and report the numbers and amounts of the coupons so canceled not less than twice a year to the board of commissioners.

Authentication. Exempt from city tax. Coupons receivable for taxes. Special tax. Proviso: specific appropriation. Proviso: cancellation and report of coupons.

Sec. 4. That said board of commissioners shall not issue said bonds, nor any of them, nor levy nor collect said taxes, until it shall have been authorized and empowered to do so by a majority of the qualified voters of the city, at an election to be held at such time and place as said board shall appoint, of which election notice shall be given for twenty days in some newspaper published in said city; at which election those favoring the issue of said bonds and the levy and collection of said taxes for the payment of said bonds and coupons shall vote "Issue," and those opposing it shall vote "No Issue": *Provided, however*, that the said board of commissioners may at any election for the purpose of this act, in its discretion, order a new registration of voters; a majority of which voters so registered, if they cast their votes in favor of said bonds at said election by voting "Issue," shall authorize and empower the said board to issue the said bonds and levy the said taxes as aforesaid.

Bond issue to be approved by qualified voters. Notice of election. Ballots. Proviso: new registration may be ordered.

Sec. 5. That the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same proposition to the said voters at any other time or times that the board of commissioners may appoint in accordance with the preceding section.

Further election.

Sec. 6. That the said bonds may be issued for the purpose of funding the town's floating indebtedness, for the purpose of erecting and operating a system of waterworks and sewerage system in said town, for the purpose of building, constructing, paving, improving, and maintaining the streets and sidewalks of said town: *Provided, however*, that the said board of commissioners shall, in the resolution calling the election, state the amount of

Purposes of issue. Proviso: resolution for bond issue.

bonds to be issued under said election and the purpose for which the said bonds are to be issued: *Provided further*, that the bonds shall be used for no other purpose: *Provided further*, that the purchasers of said bonds shall not be required to look to the application of the purchase money.

Proviso: specific appropriation.

Proviso: purchasers not liable for application.

Finance committee. Sec. 7. That at the election to be held for the purpose of voting the bonds under this act there shall be elected at said election a finance committee, said finance committee to consist of three (3) members, each voter to be entitled to vote for three men for members of said committee; that it shall be the duty of said committee to look after the expenditure of the bonds voted, to make monthly statements of the amount expended by the joint committee, said joint committee to consist of the mayor (who shall be the presiding officer), the finance committee, and the board of town commissioners; that said finance committee shall state in their monthly statement the purposes for which the money was expended; that this statement shall be posted in the mayor's office and subject to examination by all the voters of said town. That the joint committee composed of the mayor, town commissioners, and finance committee shall be empowered with authority to spend the money raised by the sale of the bonds under this act and to make contracts of all and any description in reference to the money from said bonds; that no money is to be expended or work authorized to be done unless by a majority of the members of the joint committee above mentioned. That upon a vacancy occurring in the finance committee, it shall be the joint committee's duty to fill said vacancy by appointment.

Duty of committee.

Joint committee.

Monthly statements posted.

Authority of joint committee.

Vacancies.

Sec. 8. That this act shall be in effect from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 166.

AN ACT TO INCORPORATE THE TOWN OF BONLEE IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

General law applicable.

Section 1. That the town of Bonlee in Chatham County, North Carolina, be and the same is hereby incorporated by the name and style of "Bonlee," and shall be subject to the provisions of the Revisal of one thousand nine hundred and five, chapter seventy-three thereof, not inconsistent with the provisions of this act.

Corporate limits.

Sec. 2. That the incorporate limits of said town shall be as follows: Beginning at a point one-half mile west from center of Main Street and Southern Railway crossing; thence north one-half mile to stake; thence east one mile to stake; thence south

one mile to stake; thence west one mile to stake; thence north one-half mile to beginning point. Containing one square mile.

Sec. 3. That the officers of said town shall consist of a mayor, three aldermen, and a police; and the aldermen, when qualified as required by law, may elect a town clerk and other town officers necessary to the preservation and regulation of the town's best interest. Town officers.

Sec. 4. That until the election hereinafter provided for, the mayor and three aldermen provided for hereinafter shall be as follows: Mayor, Isaac H. Dunlap; aldermen, W. J. Tally and W. B. Cheek and C. E. Kinnaman, who shall hold their respective offices until their successors are elected and qualified. The board of aldermen, after having taken the oath as prescribed by law, may elect a town police and clerk and treasurer. Town officers. Police, clerk, and treasurer.

Sec. 5. That there shall be held on the first Monday in May, one thousand nine hundred and thirteen, under the same rules and laws as regulate State elections, and every two years thereafter, in some convenient place in said town, to be called by the board of aldermen, an election for a mayor and three aldermen, who shall hold their offices until their successors are elected and qualified. Town elections.

Sec. 6. In all town elections held therein all persons shall be allowed to vote who are qualified to vote in the general State election. Voters.

Sec. 7. The said town shall have the right through its proper authorities to levy and collect taxes not exceeding ten (10) cents on every hundred dollars worth of property as assessed for State and county taxes according to the valuation placed thereon by the State and county authorities, and a per capita tax of thirty cents on the polls. Tax rate.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 167.

AN ACT TO AMEND CHAPTER 444 OF THE PUBLIC LAWS OF 1909, AND CHAPTER 181 OF THE PUBLIC LAWS OF 1911, AMENDATORY THEREOF, EXTENDING THE TIME IN WHICH PRACTITIONERS OF OPTOMETRY MAY REGISTER.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and forty-four of the Public Laws of one thousand nine hundred and nine and chapter one hundred and eighty-one of the Public Laws of one thousand Extension of time.

nine hundred and eleven be and the same are hereby amended by striking out in line three, section six of said act, the word "six," in act one thousand nine hundred and nine, and the words "twenty-four and one-fourth" in act of one thousand nine hundred and eleven, and inserting in lieu thereof the word "fifty": *Provided,* that this act shall apply only to George P. Horton of Anson and W. A. Wartman of Burke County, and G. L. Whitfield of Franklin County, J. J. Treadway of Caroleen, Rutherford County, and A. L. Bell of Belhaven Beaufort County.

Proviso: application of act.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 168.

AN ACT TO INCORPORATE THE TOWN OF HIDDENITE, IN THE COUNTY OF ALEXANDER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the town of Hiddenite in the county of Alexander be and the same is hereby incorporated and made a

Corporate name.

municipal corporation under the name and style of "Hiddenite."

Corporate powers.

All the rights, powers, and privileges and authorities now conferred upon incorporated towns of like nature in the State under the general law of North Carolina is hereby conferred upon said municipal corporation, such as the power to condemn land for widening, locating, and relocating or constructing of streets and for other public purposes and improvements.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the southwest corner of the graveyard and running to John Matlock's residence, including same; thence straight line to J. F. Moore's residence, including same; thence to the railroad, H. L. Lackey's and W. C. Beckham's corners; thence to P. A. Sloop's and Lester Warren's corner; thence to E. E. Lackey and Lester Warren's corner in P. A. Sloop's line; thence where the depot street intersects with the Sulphur Springs Road; thence to Milas Clary and James Lackey's corner, near the branch; thence up said branch to P. L. Warren's corner, near a large spring; thence a straight line to the beginning.

Town officers.

Sec. 3. That the officers of said town shall be as follows: A mayor, three commissioners, and such policemen as the commissioners hereinafter named may see fit to elect. The commissioners shall appoint such policemen or town marshal as is necessary to preserve the peace of the town.

Appointment of policemen and marshal.

Town elections.

Sec. 4. That on the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, there shall be held

an election in said town for the election of mayor and three town commissioners. Until such can be held, the following officers are appointed: Mayor, W. C. Beckham; town commissioners, Thomas F. Murdock, J. C. Thomas, and E. E. Lackey. Said election shall be held under the general State law. Officers appointed.

Sec. 5. That the town commissioners of said town may levy a tax upon the taxable property of the town, both real and personal, not to exceed one dollar on the one hundred dollars valuation, and a capitation tax not to exceed three dollars. Tax rate.

Sec. 6. That the town commissioners shall have the power to work, lay out, and construct such streets of the town as they may deem proper and necessary.

Sec. 7. That said commissioners shall have the power to make such ordinance and prescribe such punishment as may be necessary for the proper government of the town, being subject to the general law relating to such incorporated town, and all the rights, powers, and authority conferred upon towns of like nature is hereby conferred upon said town. Ordinances and punishments for violation. Rights, power, and authority.

Sec. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. This act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 169.

AN ACT TO AUTHORIZE THE TOWN OF HAZLEWOOD TO ISSUE BONDS AMOUNTING TO $15,000, FOR A WATER SUPPLY, SEWERAGE SYSTEM, AND ELECTRIC LIGHTS, AND TO LEVY A SPECIAL TAX TO MEET THE INTEREST AND PAY SAID BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Hazlewood in Haywood County is hereby authorized, empowered, and directed to issue from time to time bonds in the name of the town of Hazlewood, in an amount not to exceed fifteen thousand dollars ($15,000), for the purpose of establishing and maintaining a water supply and sewerage system and providing for electric lights in said town of Hazlewood: *Provided*, that a majority of the qualified voters of said town shall authorize the same at an election to be held as hereinafter provided. Said bonds shall be payable thirty years after the date thereof, and shall not bear a greater rate of interest than five per cent per annum, and shall not be sold for less than par, and to be in denominations of not less than one hundred dollars and not more than five hundred Bond issue authorized. Amount. Purpose of issue. Proviso: issue to be authorized by majority of qualified voters. Maturity. Interest. Sale below par forbidden. Denominations.

each, interest to be due and payable semiannually on the first day of January and July and to be so expressed in the face of said bonds. Each of said bonds shall be numbered and have attached thereto the requisite number of coupons, each coupon to represent the interest that shall become due semiannually on each of said bonds. Said bonds and coupons shall be payable at such place as the board of commissioners shall designate. Said bonds shall be signed by the mayor and countersigned by the clerk of said town, and have the corporate seal affixed thereto, and it shall be sufficient to have a facsimile signature of the mayor and clerk lithographed in the coupons. Said bonds and coupons shall express upon their face that they are payable out of the taxable property and polls of the town of Hazlewood, and it shall be lawful for and the duty of the board of commissioners of the town of Hazlewood to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon the property and polls of said town, at all times observing the constitutional equation, with which to promptly and regularly pay the interest on said bonds as it shall accrue, and to create a sinking fund for the purpose of paying off and discharging said bonds as they may become due.

Authentication.

Special tax.

Constitutional equation.

Election on bond issue.

Sec. 2. That at the next general election for mayor and board of commissioners for the said town of Hazlewood, to be held on the first Tuesday in May, one thousand nine hundred and thirteen, the board of commissioners of said town of Hazlewood shall submit to the qualified voters thereof the question as to whether the said town shall issue the fifteen thousand dollars of bonds for the purposes aforesaid and levy a special tax annually to pay the interest on said bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due; and those favoring the issuing of said bonds and the levying said special taxes shall be permitted to cast one ballot upon which shall be written or printed the words "For Bonds and Improvements," and those opposing the issuing of said bonds and the levying of said taxes shall be permitted to vote one ballot upon which shall be written or printed the words "Against Bonds and Improvements."

Ballots.

Notice of election.

Sec. 3. That it shall be the duty of the board of commissioners of said town to have published for thirty days before said election, by posters at the mayor's office and three other public places in said town, a notice stating that the question of issuing said bonds and the levying of said special tax for the purposes aforesaid will be submitted to a vote of the qualified voters of said town at said election, and a copy of said notice shall be recorded in the minutes of the board of commissioners of said town and said copy shall be *prima facie* evidence of the matters therein stated.

Sec. 4. That if, at said election, a majority of the qualified voters of said town of Hazlewood shall cast their votes "For Bonds and Improvements," then the board of commissioners of said town shall so declare and certify, and shall issue said bonds for the purposes aforesaid and levy said special tax as herein provided. Effect of election.

Sec. 5. That the board of commissioners of said town shall cause said bonds to be lithographed or printed and pay for such work out of the funds of the town, and may sell said bonds at either public or private sale as it may deem to the best interest of the town, after first giving notice of said sale by advertisement, as it may decide best, for thirty days, but shall not sell said bonds for less than par, but said board of commissioners may, in their discretion, pay a commission of not more than two per centum of the amount issued, should the same become necessary to effect the sale of said bonds. That the proceeds of the sale of said bonds shall be forthwith paid over to the treasurer of said town upon said treasurer first giving a good and justified bond in double the amount of the funds going into his hands, in some good surety company or with good sureties; said bond to be approved by the board of commissioners, and when so approved to be kept by said board in some safe place. The treasurer, if the board of commissioners deem proper, shall receive for his service for receiving and disbursing said fund such compensation as shall be fixed by the board of commissioners, not exceeding the sum of one per cent on receipts and one per cent on disbursements. That the treasurer shall keep an account of said funds separate and apart from other funds in his hands, and shall make a written report of his receipts and disbursements to the mayor and board of commissioners every thirty days, and oftener if the board of commissioners may desire, and shall make all payments out of said fund upon an order signed by the mayor and countersigned by the clerk, and the same shall be his receipt for all funds so disbursed. Issue of bonds. Sale of bonds. Sale below par forbidden. Commission on sale. Proceeds paid over to treasurer. Bond of treasurer. Compensation of treasurer. Separate accounts. Monthly reports. Orders for payment.

Sec. 6. That if said bonds are not sold for par or their face value in cash, the board of commissioners of the town may, if they elect to do so, sell the same for not less than their face or par value to any person, firm, or corporation who may contract with the town to make any of the improvements or to do any of the work for which said bonds are issued. Sale to contractors.

Sec. 7. That the board of commissioners of the town of Hazlewood is authorized, empowered, and directed as follows: Powers of commissioners.

(1) To employ one or more experts, if it deem it advisable to do so, to make an estimate of the probable cost of any or all of the improvements contemplated in this act. Estimate of cost of work.

(2) To employ one or more competent engineers, together with the necessary assistance and help, to do any work contemplated in this act. Engineers and assistants.

Advertisement and letting contracts.

(3) To advertise for thirty days and let contracts to the lowest responsible and competent bidder for the improvements herein contemplated. That the contract for the improvements herein contemplated may be let separately or as a whole, as the board of commissioners may deem best. That said board of commissioners may if they deem best, reject any and all bids and readvertise for bids or proceed to have the work done as they deem best.

Power to reject bids.

Bonds of contractors.

(4) To require any and all contractors to file a good and solvent bond for the faithful performance of their contract, which said bond shall be approved by the board of commissioners of said town.

Payments on contracts.

(5) To pay the contractor or contractors for any of the improvements contemplated by this act as often as once a month a sum of money not to exceed ninety per cent of the work done by said contractor or contractors, the same to be ascertained by an estimate to be made by an engineer or some competent person to be appointed by the board of commissioners, and the remaining ten per cent shall be paid when said contractor or contractors have fully completed their contracts and after the work has been accepted by the board of commissioners of said town.

Contracts for water and electricity.

(6) To make any and all contracts with any person, firm, or corporation, to furnish all water and electricity, or either water or electricity, necessary for the purpose of establishing and maintaining a water supply and sewerage system and electric lights as contemplated by this act.

General powers.

(7) To do any and all other work and things necessary to be done in order to make the improvements contemplated in this act.

Power to acquire property.

Sec. 7. That the said board of commissioners may acquire by gift or grant lands or easements thereon, or rights of way over the same, or the right to use springs, branches, or other watercourses for the purpose of operating and maintaining waterworks, sewers, etc., or for conducting water to or conveying sewerage from said town, or for the purpose of erecting, maintaining, and operating an electric plant, or conveying power for the purpose of lighting said town.

Assessment of prices.

Sec. 8. That if the said board of commissioners cannot agree with the owners upon a price for the lands or any of the rights of way or easements named in the preceding section, they shall have the right to have the same condemned and compensation therefor assessed and fixed, by filing a petition before the Clerk of the Superior Court of Haywood County against the owner or owners of such land, setting forth the necessary and proper facts to be set out, and specifying what land is desired as accurately as can reasonably be done, or what easement, proceeding as provided in the Revisal one thousand nine hundred and five, chapter sixty-one, entitled "Railroads." And in such proceedings, and if the land or right demanded and required shall be condemned, no appeal shall stay further proceedings for the establishing of said

Appeal not to delay work.

waterworks or sewerage system, or the construction of said power plant or electric line or lines upon the payment or deposit with the Clerk of the Superior Court of Haywood County the sum fixed as the value of the lands or rights demanded. The final judgment rendered by the court, if it shall condemn lands or other rights, shall, on the payment of the compensation fixed, either to the parties or into the court for them, have the force and effect of a deed or grant for an easement only in conveying to or vesting said lands or rights in the board of commissioners of said town. Force of judgment.

Sec. 9. That the board of commissioners of the town of Hazlewood is hereby empowered and authorized to provide suitable water supply and sewerage for said town, either by erecting and constructing a waterworks or sewerage system, and to provide for the lighting of said town, either by erecting a power plant and lines or by contracting with other persons, firms, or corporations, to erect and provide the same, as the board may deem best, and to make such other public improvements of like character as the health of the citizens and the safety of the property in said town may require. Waterworks and sewerage system.

Sec. 10. That the said board of commissioners of said town may acquire and hold sufficient watershed for a supply of water for said town, and if the same cannot be had by agreement with the owner or owners, it may be condemned as provided in section eight of this act. Watershed. Power to condemn watershed.

Sec. 11. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 170.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CREEDMOOR.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter three hundred and ninety-eight of the Private Laws of nineteen hundred and five be amended by striking out the word "five," in line two, and inserting in lieu thereof the word "three," and by striking out the words "on the first Monday in May of each year," in lines two and three, and inserting in lieu thereof the words "on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter." Number of commissioners. Town elections.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 171.

AN ACT TO ALLOW THE TOWN OF SPENCER TO ISSUE BONDS FOR THE PURPOSE OF OWNING, OPERATING, AND MAINTAINING A SYSTEM OF WATERWORKS AND ELECTRIC LIGHTS, AND FOR THE PURPOSE OF ENLARGING AND EQUIPPING THE PRESENT GRADED SCHOOL BUILDING OF SAID TOWN.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount for waterworks and light plant.

Amount for school building.

Question submitted to voters.

Section 1. That the mayor and board of aldermen of the town of Spencer are hereby authorized and empowered to issue bonds to an amount not exceeding fifty thousand dollars ($50,000) in the corporate name of said town, for the purpose of owning, operating, and maintaining a waterworks and an electric light system; and a further issue of bonds to a sum not exceeding ten thousand dollars ($10,000) for the purpose of enlarging and equipping the present graded school building of said town, for said town and its inhabitants; first submitting the question of creating said indebtedness and the issuing of bonds to the qualified voters of said town as hereinafter provided.

Denomination.

Interest.

Maturity.

Authentication.

Sec. 2. That the denomination shall not be less than one hundred dollars and not more than one thousand dollars, and shall bear interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable semiannually at such time and place as may be stated on the face thereof. Said bonds to be of such form and tenor and transferable in such manner, and the principal thereof payable at such time or times not exceeding thirty years from the date thereof, and at such place or places as the mayor and board of aldermen may determine and designate in said bonds. The bonds and coupons shall be numbered and the bonds shall be signed by the mayor and countersigned by the treasurer of said town and have the corporate seal of said town affixed thereto. That none of said bonds shall be sold, hypothecated, or otherwise disposed of for less than their par value, nor shall the same nor the proceeds thereof be used for any other purpose than contemplated by section number one of this act.

Sale below par forbidden.

Specific appropriation of proceeds.

Coupons receivable for dues to town.

Sec. 3. That the said interest coupons shall be receivable in payment of all taxes and all other public debts of said town for any fiscal year in which said coupons shall become due or at any time thereafter.

Election on bond issue.

Sec. 4. That the said bonds authorized by section one of this act shall not be issued until authorized by a majority of the qualified voters of the said town of Spencer at the regular election of the mayor and board of aldermen in May, one thousand nine hundred and thirteen; said mayor and board of aldermen

having given thirty days notice thereof in some newspaper published in the town of Spencer, or in Rowan County. Said election shall be held and conducted by the same registrar and judges and as near as may be in the manner prescribed for the election of the mayor and board of aldermen of said town under the laws existing at the time of holding said election. Those voting in favor thereof shall cast ballots in boxes provided for that purpose, with the words written or printed thereon, "For Waterworks and Electric Light Bonds, and for School Bonds," and those opposed to said issue shall cast ballots with the words written or printed thereon, "Against Waterworks and Electric Light, and School Bonds." The results of said election shall be certified by the registrar and judges of election to the mayor and board of aldermen of said town, and the mayor and board of aldermen within two days after the election shall verify the said returns and cause the results to be recorded in their minutes.

Notice of election.
Laws governing election.
Ballots.
Certificate of result.
Verification and record of result.

Sec. 5. For the purpose of owning and extending said waterworks and electric light system, the said town shall have the right and power to condemn rights of way for water mains, pipe lines, conduits, and lands, springs, water-courses and streams, and poles, and other equipments for lighting purposes as may be necessary in establishing, extending, and operating such waterworks and electric light system in said town; and said condemnation proceedings shall be conducted and enforced in the same manner as is provided for the condemnation of lands for street purposes, whether said land, rights of way, springs, or water-courses or streams be within or without the corporate limits of said town.

Power to condemn lands.
Procedure for condemnation.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 172.

AN ACT TO AMEND CHAPTER 107 OF THE PRIVATE LAWS OF 1907, RELATING TO THE BOUNDARY LINE OF THE TOWN OF BOONE, WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seven of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: by striking out all of section one, after the word "road" and semicolon, in line twelve of said section, down to and including the words "old road," before the semicolon in line fifteen of said section, and inserting in lieu thereof the following: "then in a northwestern direction one hundred feet across the Turnpike Road to a stone on west side of the old

Boundary changed.

road leading from said maple towards J. F. Hardin's; thence with the west bank of said old road to the northeast corner of Dr. R. K. Bingham's lot, making the west boundary of said road the corporate limits of the town of Boone."

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 173.

AN ACT TO AUTHORIZE THE ROCKY MOUNT GRADED SCHOOL DISTRICT TO ISSUE SCHOOL BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of graded school trustees of Rocky Mount be and it is hereby authorized to issue coupon bonds of the Rocky Mount Graded School District (the boundaries of said district being conterminous with those of the city of Rocky Mount), to an amount not exceeding thirty-five thousand dollars, par value, for the purpose of erecting and equipping an additional school building, acquiring such lands as may be necessary as a site therefor or for use in connection therewith, and otherwise enlarging the public school facilities of said district and city.

Amount.

Purpose.

Maturity.

Interest.

Authentication.

Sec. 2. That said bonds shall be payable or redeemable at such place or places, and at such time or times, not exceeding fifty years from the date thereof, as said board of trustees shall prescribe, and shall bear interest from date at a rate not exceeding five per cent per annum, payable semiannually on the first days of April and October of each year, and at such place or places as said board of trustees shall determine. Said bonds shall be signed by the chairman of said board of trustees and attested by its secretary, and shall have affixed thereto the corporate seal of said board of trustees. The interest coupons attached to said bonds shall bear the lithographed facsimile of the signatures of said chairman and secretary; and said bonds shall, in all other respects, be of such form and tenor as said board of trustees shall prescribe.

Particular taxes.

Property tax.

Sec. 3. That for the purpose of raising revenue for the payment of said bonds, both principal and interest, at the time of laying and levying municipal taxes for the fiscal year commencing on the first day of May next succeeding the ratification of the provisions of this act in reference thereto at an election to be called and held as hereinafter provided, and annually thereafter so long as necessary, the board of aldermen of said city shall lay and levy the following particular taxes, to wit: (1) on all real and personal property within the limits of said district and city, including money and solvent credits, and on every other subject of taxation upon which an *ad valorem* tax is or may be levied for

municipal and school purposes, a tax not exceeding five cents on each and every one hundred dollars of the assessed value thereof; (2) a capitation tax not exceeding fifteen cents on each and every taxable poll in said district and city. Capitation tax.

Sec. 4. That the provisions of this act in reference to issuing bonds and levying taxes for the payment of the same as hereinbefore provided shall be submitted to the qualified voters of the said district and city of Rocky Mount, at an election to be called by the board of aldermen of said city within ninety days of the ratification of this act; and at the time of ordering said election the said board of aldermen shall likewise order a new registration of the voters in the several wards and voting precincts of said city. Said election shall be held in like manner as elections for mayor and aldermen of said city are held; and all provisions of law governing the holding of such municipal elections shall apply thereto, unless herein otherwise provided. Notice of said election shall appear by advertisement in one or more newspapers published in the city of Rocky Mount for at least thirty days preceding said election, and shall state the purpose of said election, when and at what places to be held, and the ordering of a new registration of voters in the several wards and voting precincts of said city, and shall likewise fully recite the provisions of the first, second, third, fourth, and fifth sections of this act. Election on bond issue. New registration. Law governing election. Notice of election.

Sec. 5. That at said election the matter of issuing bonds to an amount not exceeding thirty-five thousand dollars, as authorized in the first section of this act, and the levying of taxes for the payment of said bonds, as authorized in the third section, shall be submitted to the qualified voters of said district and city of Rocky Mount, for ratification or rejection. Those electors favoring said proposition shall vote a printed or written ballot containing the words, "For School Bonds," and those electors opposing same shall vote a like ballot containing the words, "Against School Bonds." Question submitted to voters. Ballots.

Sec. 6. That the registrars and judges of election for the several wards and voting precincts of said city shall hold said election; in making return of the result thereof, shall incorporate therein, not only the number of votes cast for and against said proposition in their respective wards and voting precincts, but also the number of qualified voters therein. The board of canvassers of said city shall, in like manner as is provided by law for ascertaining the result of elections for mayor and aldermen of said city, canvass the vote cast in the several wards and voting precincts in said election and the number of qualified voters therein, and shall judicially determine and declare the result of said election; the vote of a majority of the qualified voters of said district and city to be necessary for the adoption of said proposition for issuing bonds and levying taxes for the payment of same as hereinbefore provided. The said board of canvassers Returns of election. Canvass of returns. Abstract of returns.

shall likewise prepare an abstract, tabulating and showing the number of votes cast for and against said proposition in said election and the number of electors qualified to vote therein, and declaring the result of said election, and said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the city clerk of Rocky Mount, who shall record said abstract in the city record book and file the original.

Record of abstract.

Issue and sale of bonds.

Sec. 7. That should said election result in the adoption of the aforesaid proposition for issuing the bonds authorized in the first section of this act, to an amount not exceeding thirty-five thousand dollars, said board of trustees shall, without unnecessary delay, proceed to issue the bonds thus authorized and approved to such an amount, not exceeding the limit prescribed, as shall be deemed necessary to effectuate the purpose for which the same are being issued, and to make sale of the same in such manner and upon such terms as shall be deemed most advantageous.

Proceeds paid into treasury.

Funds kept separate.

Orders for disbursement. Specific appropriation.

Sec. 8. That all moneys realized from the sale of said bonds shall be covered into the treasury of said graded school district, and the city treasurer, as treasurer *ex officio* of said board of trustees, shall keep the same separate and apart from all other moneys in his hands. Said treasurer shall disburse said moneys only upon the order of said board of trustees, and the same shall be expended only for the purposes hereinbefore authorized.

Collection and settlement of tax.

Sec. 9. That all taxes levied in pursuance of the provisions of this act shall be collected by the city tax collector of Rocky Mount as municipal taxes are collected; and said tax collector shall pay all moneys thus collected over to said treasurer, who shall disburse the same only upon the order of said board of trustees.

Further elections.

Sec. 10. That if said proposition for issuing bonds and levying taxes for the payment thereof shall fail to receive the votes of a majority of the qualified voters of said district and city in said election, to be called and held as hereinbefore provided, the board of aldermen of said city may thereafter, and as often as shall be deemed advisable, provided that it be not oftener than once in any one year, call another or other elections, as the case may be, at which said proposition, theretofore defeated and again submitted for ratification or rejection, shall be voted upon; and the adoption of the proposition thus submitted and voted upon shall be of like force and effect as if the same had been adopted at the election first called and held as hereinbefore provided. And all of the foregoing provisions of this act relating to elections shall apply with equal force and effect to all elections authorized to be held hereunder.

Other propositions may be submitted.

Sec. 11. That nothing contained in this act shall be construed to forbid or prevent the board of aldermen of said city from submitting to the qualified voters thereof, at any election which shall be called and held in pursuance of its provisions, any other ques-

tion or proposition upon which such vote is, at the time, required or authorized to be taken under substantially similar conditions.

Sec. 12. That any amendment of the charter of the city of Rocky Mount, enlarging or reducing the territorial limits of said city, shall apply with like force and effect to the Rocky Mount Graded School District, so that the boundaries of the one shall be and remain conterminous with those of the other. Amendments to city charter applicable to school district.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 174.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALLOW ROANOKE RAPIDS GRADED SCHOOL DISTRICT, HALIFAX COUNTY, TO ISSUE BONDS TO PROVIDE FOR THE ENLARGEMENT OF THE PRESENT SCHOOL BUILDINGS OF THE DISTRICT AND THE PROPER EQUIPMENT OF THE SAME," SAID ACT BEING CHAPTER 134, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1911.

The General Assembly of North Carolina do enact:

Section 1. That the word "fifteen," in line four of section one of chapter one hundred and thirty-four, Private Laws of North Carolina, session of one thousand nine hundred and eleven, following the word "exceed" and before the word "thousand," be stricken out, and that the word "twenty" be inserted in lieu thereof. Amount of bond issue.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 175.

AN ACT TO INCORPORATE THE TOWN OF WEST BLADENBORO, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of West Bladenboro, in the county of Bladen, be and the same is hereby incorporated by the name and style of the town of West Bladenboro, and shall be subject to all the provisions contained in chapter seventy-three, volume one, of Incorporation. Corporate name. General law applicable.

the Revisal of one thousand nine hundred and five, and acts amendatory thereof, not inconsistent with this act.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a stake on the north side of the Seaboard Air Line Railway, west of Bryan Swamp, fifty feet from the track of said railroad, in the W. A. Davis and Elias Edwards line, and runs thence as said railroad, fifty feet from the center of the track thereof, north sixty-four and one-half west twenty-six chains and seventy-five links to a stake on the west side of White's Branch; thence up the west edge of said branch north forty-four east ten chains to a stake; thence north sixty-one east three chains and ninety links to a short-leaf pine; thence north twenty-five east five chains and seventy links to a stake in J. P. Hester's line; thence with said Hester's line south eighty-two and one-half east four and one-half chains to a stake, said Hester's corner in Elias Edwards' line; thence south sixteen east six chains and five links to a stake; thence south eighty-two and one-half east one chain and twenty-five links to the road; thence with the road south sixteen east twenty chains and sixty-five links to a stake fifty feet from the center of the railroad, the fourth corner of a one-half acre tract sold by Elias Edwards to the Bladenboro Cotton Mills; thence north sixty-four and one-half west one chain and forty links to the beginning, including three tracts, the property of said Bladenboro Cotton Mills.

Town officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners, a town constable, regular and special policemen, and a clerk and treasurer, and such other officers as the town commissioners may elect. The following named persons shall fill the offices of mayor and commissioners from the ratification of this act until the regular election for town officers in one thousand nine hundred and fifteen, and until their successors are elected and qualify: for mayor, J. D. Edwards; for commissioners, J. W. Johnson, F. Bowen, and W. H. Edwards.

Officers named.

Officers elected by commissioners. Special policemen appointed by mayor.

Sec. 4. That the town constable, clerk, and treasurer and regular policemen shall be elected by the town commissioners, and the special policemen shall be appointed by the mayor.

Town council.

Legislative powers.

Sec. 5. That the mayor and commissioners shall form a council, and may make, publish, and enforce such ordinances for the orderly government of said town, not inconsistent with the constitutions and laws of the land applicable thereto.

Mayor pro tem.

Sec. 6. That the town council may elect a mayor *pro tem.*, who, in the absence of the mayor, shall execute all the powers and perform all the duties of the office of mayor.

Assistant constable.

Sec. 7. That the town constable may appoint an assistant constable, who, in the absence of the constable, shall have all the powers and perform all the duties of the constable.

Town elections.

Sec. 8. That an election shall be held in said town for mayor and commissioners at the regular election for town officers in one

thousand nine hundred and fifteen and biennially thereafter, under the general law regulating elections in cities and towns.

Sec. 9. That the officers provided for by this act shall qualify within ten days after the ratification, before any officer authorized by law to administer oaths, and all officers elected hereafter shall qualify in like manner. Officers to qualify.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 176.

AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN, AND TO AMEND THE ACT ENTITLED "AN ACT TO ESTABLISH GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN," RATIFIED 6th MARCH, 1891; AND TO AMEND THE ACT ENTITLED "AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN, AND TO AMEND THE ACT ENTITLED 'AN ACT TO ESTABLISH GRADED SCHOOLS IN THE CITY OF NEW BERN,' RATIFIED 6th MARCH, 1899, THE LAST NAMED BEING CHAPTER 324 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1909, RATIFIED 6th MARCH, 1909," AND TO AUTHORIZE SAID CITY TO ISSUE BONDS OF THE CITY OF NEW BERN IN AN AMOUNT NOT EXCEEDING $40,000 TO AID IN THE CONSTRUCTION AND EQUIPMENT OF PUBLIC GRADED SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. That the mayor and board of aldermen of the city of New Bern are hereby authorized and required to submit to the qualified voters of said city, at the next regular election of aldermen, the question whether an additional annual tax shall be levied therein for the support of the public graded schools in said city which were authorized or established under the act entitled "An act to establish graded schools in the city of New Bern," ratified the sixth day of March, one thousand eight hundred and ninety-nine, being chapter five hundred and forty-seven of the Public Laws of North Carolina of one thousand eight hundred and ninety-nine, and issue bonds of the city of New Bern in an amount not to exceed forty thousand dollars, with interest coupons attached, to aid in the construction and equipment of a public graded school building or buildings, and in the maintenance of public graded schools in said city. Question of special tax and bond issue to be submitted to voters.

Notice of election.

Sec. 2. That said board of aldermen shall, at least thirty days preceding such election, give public notice of said election and purpose thereof by publication in one or more newspapers published in said city and at such other places as may be determined upon by it. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force, or may hereafter be prescribed by law, for holding elections for aldermen of said city: *Provided*, that there shall be a new registration of all the qualified voters residing in said city, and for this purpose the said board of aldermen is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may deem fit and proper. That the votes shall be counted at the close of the polls and the returns of said election made to the board of aldermen at its meeting held at the city hall on Friday night after the election, and said board of aldermen shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of aldermen, and no other recording and declaration of the result of said election shall be necessary.

Law governing elections.

Proviso: new registration.

Count and return of votes.

Canvass and record of returns.

Ballots.

Sec. 3. That at said election the ballots tendered and cast shall have written or printed upon the same, "For Special School Tax and Bonds" or "Against Special School Tax and Bonds," and all qualified electors who favor the special tax and issue of bonds shall vote a ticket on which shall be written or printed the words "For Special School Tax and Bonds," and all qualified voters who may be opposed to the special tax and issue of bonds shall vote a ticket on which shall be written or printed the words "Against Special School Tax and Bonds."

Issue of bonds.

Denomination.

Amount.

Interest.

Maturity.

Sec. 4. That if a majority of the votes cast at said election shall be "For Special School Tax and Bonds," and the result shall be declared and recorded as aforesaid, then it shall be the duty of the said board of aldermen to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed forty thousand dollars, which said bonds shall be consecutively numbered and shall bear interest at a rate not to exceed five per cent per annum, with interest coupons attached, payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times not exceeding thirty years from the date of issue, as the said board of aldermen may determine.

Authentication.

Proviso: signature to coupons.

Entitlement of bonds.

Coupons receivable for dues to city.

That said bonds and the coupons attached thereto shall be signed by the mayor of said city and countersigned by the clerk thereof, and said bonds shall have upon them the corporate seal of the city: *Provided*, that the coupons may be signed by the mayor and clerk of the said city, or may have a facsimile of their signature printed, engraved, or lithographed thereon. That said bonds shall be styled "Public Graded School Bonds," and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts,

dues, licenses, fines, and demands due the city of New Bern, of any kind whatsoever, which shall be expressed on the face of said bonds. And the said bonds shall in all other respects be in such form as may be agreed upon by and between the said board of aldermen and the purchaser thereof.

Sec. 5. That said board of aldermen shall sell said bonds at such time or times and in such manner as it may deem best, and the proceeds arising from the sale thereof shall be paid over to the board of trustees of the New Bern Graded Schools, and the same shall be expended by the said board of trustees of the New Bern Graded Schools in such manner and for such uses and purposes in the building and equipment of a public graded school building or buildings and in the maintenance of public graded schools as a majority of the said trustees shall direct, and no other. That the treasurer of the said board of trustees shall keep said funds provided for in this act which may come into his hands separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duties in this respect the said treasurer shall execute an official bond, payable to the State of North Carolina for the use of said trustees in the usual manner, in such amount as the board of trustees may direct.

Sale of bonds.

Proceeds to trustees of schools.

Appropriation.

Funds and accounts kept separate.

Bond of treasurer.

Sec. 6. When said bonds shall have been issued, the board of aldermen of said city shall levy annually at the time of levying other taxes, a tax not exceeding ten cents on property of the value of one hundred dollars and thirty cents on the poll, in addition to the special school taxes theretofore levied, so that the whole special tax authorized under this act and an act entitled "An act to establish graded schools in the city of New Bern," ratified sixth day of March, one thousand eight hundred and ninety-nine, and being chapter five hundred and forty-seven of the Public Laws of North Carolina of one thousand eight hundred and ninety-nine, and an act entitled "An act to provide additional support for the graded public schools in the city of New Bern, and to amend the act entitled 'An act to establish graded schools in the city of New Bern,' ratified March sixth, one thousand eight hundred and ninety-nine," ratified sixth day of March, one thousand nine hundred and nine, and being chapter three hundred and twenty-four of the Private Laws of one thousand nine hundred and nine, shall not exceed thirty cents on the property valued at one hundred dollars, and ninety cents on the poll. The special tax levied under this act shall be collected as other taxes, and shall be paid over, applied, used, and disbursed according to the provisions and requirements of the above recited act of March sixth, one thousand eight hundred and ninety-nine, for the levy, collection, application, payment, use, and disbursement of the special tax in the said act authorized and as is authorized by the act entitled "An act to amend the charter of the New Bern Graded Schools," ratified the eighth of February, one thousand nine hundred and

Special tax.

Collection and settlement of tax.

seven, and being chapter fifty-two of the Private Laws of North Carolina of one thousand nine hundred and seven: *Provided*, that the special tax herein provided for shall be held by the treasurer of said board of trustees and kept as a separate fund, and shall be applied, first, to the payment of the interest upon said bonds; secondly, to the creation of a sinking fund sufficient to meet the payment of said bonds at their maturity, and, lastly, to the maintenance of said public graded schools. The said treasurer of the board of trustees of the New Bern Graded Schools shall be commissioner of the sinking fund for said bonds, and it shall be his duty to keep said fund invested in some safe security or bond. And the said commissioner of the sinking fund shall be required to execute such bond as the board of trustees shall direct for the safe keeping of said fund and the faithful performance of his duties as commissioner of the sinking fund, and he shall make such reports from time to time as the board of trustees may direct.

Proviso: fund kept separate.

Application.

Commissioner of sinking fund.

Investment.

Bond and reports as commissioner.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 177.

AN ACT TO ALLOW THE CITIZENS OF THE TOWN OF WELDON, IN HALIFAX COUNTY, NORTH CAROLINA, TO ISSUE BONDS FOR STREET IMPROVEMENT AND FOR WATERWORKS AND SEWERAGE, AMENDING CHAPTER 52, PUBLIC AND PRIVATE LAWS, EXTRA SESSION 1908, AND ALSO CHAPTER 83, PRIVATE LAWS OF 1891, THE SAME BEING THE CHARTER OF THE SAID TOWN OF WELDON.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Interest.

Maturity.

Authentication.

Section 1. That the board of commissioners of the town of Weldon, North Carolina, are hereby authorized to issue coupon bonds of the said town of Weldon to an amount not exceeding twenty-five thousand dollars, bearing interest from the date of issue of said bonds at a rate not exceeding six per centum per annum, said interest payable semiannually on the first day of January and the first day of July of each and every year, until the said bonds are paid. The said bonds shall be made payable at a date to be fixed by the board of commissioners of the said town named therein, not to be less than twenty years nor more than thirty years from the date of issue. The said bonds and their coupons to be numbered and the bonds shall be signed by

the mayor of the said town and countersigned by the clerk of the board of commissioners of said town and shall have the corporate seal of the said town attached thereto, and the coupons attached to said bonds shall be signed by the mayor of said town; that a record of said bonds shall be kept, showing the number and denomination thereof, to whom sold, the date of issue of each, when the same shall mature, and the rate of interest thereon, the amount received from the sale of the same and such other data as the board shall direct to be kept. Record of bonds.

Sec. 2. That fifteen thousand dollars of the bonds hereby authorized to be issued shall be sold when issued and the proceeds arising therefrom to constitute a separate fund for street improvement of the said town, and shall be expended under the direction of the board of commissioners of said town, after having been paid into the treasury of said town. Sale of bonds. Separate fund. Expenditure.

Sec. 3. That if the board of commissioners of said town shall so order, after notice to the abutting owner, the said owner may be charged with a certain proportion of the cost of improving the sidewalks on the side of the street on which his or her property shall abut, not exceeding one-half of such cost of improvement, and such charge shall be a lien upon such property, and if not paid within thirty days after such notice, to be collected by action brought in the proper jurisdiction in the name of the said town of Weldon against said owner. Assessment for improvement of sidewalks. Assessments a lien on property. Collection.

Sec. 4. That if in the construction of the system of waterworks and sewerage of the said town of Weldon, provided for in section fifty-three, Public and Private Laws, extra session one thousand nine hundred and eight, it shall be ascertained that the said issue of bonds therein provided of forty thousand dollars is not sufficient to complete and properly equip the same, then the said board of commissioners of said town are hereby authorized to issue bonds as provided in section one of this act, to the amount of ten thousand dollars, the same being the remainder of the bonds herein provided, if needed, or, if not needed, for the amount needed to finish, complete, and properly equip the system of waterworks and sewerage of the said town of Weldon. Further bond issue for waterworks. Amount.

Sec. 5. In order to pay the taxes on said bonds and to create a sinking fund to pay the principal of the same at maturity, the commissioners of the town of Weldon shall each year levy a special tax on the polls and property of the said town sufficient to pay the interest on said bonds and to create a sinking fund, not to exceed an amount to be stated in the order for the election hereinafter provided for. Special tax.

Sec. 6. Said bonds shall not be issued nor said taxes levied unless authorized by a vote of a majority of the qualified voters of the said town of Weldon, at an election to be called by the board of commissioners of said town. The election shall be called by the said board upon a written petition of one-third of the Bond issue to be authorized by voters. Petition for election.

Notice of election.

Ballots.

Effect of election.

Notice of election.

voters of said town. In calling for said election the board of commissioners shall state the amount of taxes proposed to be levied and the time said bonds are to run. At such election, those who favor an issue of said bonds and the levying of the taxes herein provided for shall vote a written or printed ballot with the words "For Bonds," and those opposed shall vote a written or printed ballot with the words "Against Bonds"; and if at such election a majority of the qualified voters of said town shall vote ballots with the words "For Bonds" written or printed thereon, the mayor and the board of commissioners of said town shall issue the bonds and levy the taxes as hereinbefore specified. Notice of the election herein provided for shall be given by publication for four successive weeks in some weekly newspaper published in Weldon and by notice posted at the courthouse door, in which shall be stated the amount of bonds to be issued for said improvement and the amount of the bonds to be issued for the completion and properly equipping the system of waterworks and sewerage already provided for and mentioned in section four of this act.

Law governing election.

Sec. 7. Said election shall be held under the same rules and regulations as other municipal elections are held in said town by law, and the said board of commissioners may order a new registration therefor if they see proper.

Further election.

Sec. 8. That if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the board of commissioners of said town of Weldon may order another election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For Bonds," it shall have the same force and effect as if the election had been previously held.

Record of result.

Sec. 9. That the result of such election held as herein provided, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Weldon, and after sixty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein cited and of the regularity of the order of said election, the advertisement of the same, and of the result.

Advertisement for sale of bonds.

Sec. 10. The said commissioners, before selling said bonds, shall advertise the same for thirty days in some newspaper published in Halifax County, stating the time and place when bids will be received and opened for the same.

Purchasers not liable for application of funds.

Sec. 11. The purchasers of said bonds shall not be required to see to the application of the proceeds thereof.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 178.

AN ACT TO AMEND CHAPTER 79 ON PAGE 238 OF THE PRIVATE LAWS OF 1907, RELATIVE TO THE CHARTER OF THE TOWN OF RONDA IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter seventy-nine of the Private Laws of one thousand nine hundred and seven be and the same is hereby repealed, and the following inserted in lieu thereof: "The corporate limits of said town shall extend from the Southern Railway depot one-half mile in all directions." Corporate limits.

Sec. 2. That section three of said act is hereby repealed and the following inserted in lieu thereof: "That the officers of said town shall consist of a mayor, a town marshal, and five commissioners. That W. A. Stroud is hereby appointed mayor of said town; that S. F. Mastin is appointed town marshal, and R. L. Hickerson, J. A. Poplin, E. C. Sparks, C. B. Butner, and N. E. Parlier are appointed town commissioners, who shall hold office until the first Wednesday after the first Monday in May, one thousand nine hundred and fifteen, or until their successors are elected and qualified." Town officers.

Sec. 3. That section four of said act is hereby amended by striking out the words "one thousand nine hundred and seven" after the word "May," in line two and before the word "and" in line three, and inserting in lieu thereof the following: "one thousand nine hundred and fifteen." Town elections.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 179.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-seven of the Private Laws of one thousand nine hundred and eleven be and the same is hereby repealed, and the following substituted in lieu thereof: That the corporate limits of the town of Elizabethtown shall be as follows: Beginning at a stake on the south bank of the Cape Fear River, the terminus of the lower line of Lower Street, in the original plan Corporate limits.

of said town, and running thence with said line south twenty-two west to the dividing line between L. J. Hall and the Robeson Development Company; thence a direct line to the Newton-McArthur dam across Deep Bottom Branch; thence up the Deep Bottom Branch to the mouth of the Schoolhouse Branch; thence up the run of the Schoolhouse Branch to the bridge north of the colored schoolhouse; thence with the west edge of the road to the J. P. Mercer and Bell Martin line; thence with that line north forty-four west sixteen chains to the J. A. McDowell line; thence with that line north forty-six east to the right of way of the Virginia and Carolina Southern Railroad; thence along the west edge of said right of way to the McDowell timber road; thence with said road to the back line of the high schoolhouse lot; thence with said back line to the upper back corner of said lot; thence with the upper line of said lot to the Fayetteville Road; thence down said road to the edge of Morehead Street; thence with the line of Morehead Street north twenty-two east to the back line of the Robeson Development Company's lots; thence with said line south sixty-eight east to the McDowell-Bryan-Ashford line; thence with said line north forty-six east to the Cape Fear River; thence down said river to the beginning.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 180.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF GASTONIA TO ISSUE BONDS IN AN AMOUNT NOT EXCEEDING $100,000 FOR STREET, SIDEWALK, AND HIGHWAY IMPROVEMENTS, GRADED SCHOOLS, WATERWORKS, SEWERAGE, AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Purposes of bond issue.

Section 1. That for the purpose of grading, paving, and otherwise improving the streets, sidewalks, and highways of the city of Gastonia; for erecting new graded school buildings and making improvements and additions to those already erected; for the extension of the system of waterworks, sewerage, and electric lights, the board of aldermen of said city is hereby authorized and empowered to issue bonds of the said city in an amount not exceeding one hundred thousand dollars ($100,000), bearing interest from the date thereof not exceeding five (5) per centum per

Bond issue authorized.
Amount.
Interest.

annum, with interest coupons attached, payable semiannually. That said bonds shall be made payable at such time and place as may be determined upon by said board of aldermen, but the time of the payment of the principal of said bonds shall be fixed at not more than thirty (30) years. The bonds shall in no case be sold, hypothecated, or otherwise disposed of by the board of aldermen for less than par value, and the money arising from the sale thereof shall be used for the purposes above stated, and no other, in such proportion for each purpose or object herein named as said board may fix and determine.

Maturity.

Sale below par forbidden.

Specific appropriation of proceeds.

Sec. 2. That the said bonds shall be issued whenever said board of aldermen of said city shall declare by an ordinance duly adopted that it is necessary for the public welfare and interest that said bonds be issued for the purposes set forth in section one hereof.

Ordinance for bond issue.

Sec. 3. That when said board of aldermen shall declare that it is necessary for the public welfare and interest that said bonds be issued as provided in section two hereof, then said board of aldermen shall issue said bonds, and they shall be signed by the mayor, attested by the treasurer of the said city, and sealed with the corporate seal of the city, and said bonds and their coupons shall be exempt from city taxation until they have become due, and the coupons shall be received in payment of city taxes.

Issue and authentication of bonds.

Exempt from city tax.

Sec. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 181.

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO LEVY ADDITIONAL TAXES FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That subsection one of section twenty-eight of chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding at the end of subsection one the following words, to wit: "In addition to the above taxes, the city council shall have power and it is hereby authorized to levy annually for school purposes, at the time other taxes are levied, a tax not exceeding fifty (50) cents on the hundred dollars of property, assessed for taxation in the city of High Point, and not exceeding one dollar and a half ($1.50) on each taxable poll, which amount shall be collected as other taxes and deposited with the city treasurer as other funds, except that a separate account of same shall be kept, and the same shall be held exclusively for maintaining the public

School taxes.

Limit of rate.

Collection and settlement.

Separate account.

Exclusive appropriation.

schools of the city of High Point, and to be used towards paying the interest on the municipal school bonds of said city and to provide a sinking fund for same, if the city council deem this necessary or advisable."

Sec. 2. That this act of said city shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 182.

AN ACT TO CHANGE THE NAME OF SPECIAL-TAX DISTRICT, No. 4, WHITE RACE, IN SAINT PAULS TOWNSHIP, ROBESON COUNTY; TO CREATE SAINT PAULS GRADED SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS; AND TO LEVY AN ADDITIONAL SPECIAL TAX.

The General Assembly of North Carolina do enact:

Saint Pauls graded school district established if tax and bond issue carry.

Section 1. That upon a majority of the qualified voters residing in the territory hereinafter described in this section voting in favor of the special tax and bonds hereinafter provided for, the name of Special-tax District, Number Four, for the white race, in Saint Pauls Township, Robeson County, shall be changed, and a taxing district to be known and designated as "Saint Pauls Graded School District" shall be and is hereby created, and the boundaries of the said "Saint Pauls Graded School District" shall

Boundary.

be as follows: "Beginning at a point in the public road leading from Shaw's Mill to Lumberton in the southern edge of the Little Marsh and running with said road to the southern edge of the Great Marsh; thence up the said marsh to C. L. Johnson's line; thence with his eastern and southern lines to his southwest corner; thence direct to W. S. Johnson's southeast corner, passing through the lands of Isaac McMillan, Mark Harrell, and others; thence with W. S. Johnson's southern line to E. J. Johnson's southern corner; thence with his southern line to J. E. McDonald's southwestern corner; thence with his line as to include his plantation; thence from J. E. McDonald's house direct to D. J. McNeill's Mill Branch; thence with said branch to the Great Marsh; thence across the Great Marsh direct to A. R. McEachern's southwest corner; thence with his western line to Marcus Smith's line; thence with his western line to the line of the estate of Archibald Graham; thence with the western lines of the estate of William Davis and Rev. Joseph Evans to J. D. McRainey's line; thence with McRainey's western line to his northwest corner; thence with his northern line to his eastern corner; thence direct to the

Little Marsh at a point where the Virginia and Carolina Southern Railway crosses said marsh; thence down said marsh to the beginning."

Incorporation.

Sec. 2. That upon the ratification of this act by a majority of the qualified voters residing in the above described territory, the name of said taxing district shall be changed and shall be "Saint Pauls Graded School District," and the board of trustees hereinafter named, and their successors in office, shall be and they are hereby constituted a body corporate by the name and style of the "Board of Trustees of Saint Pauls Graded School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, devise, or otherwise, real estate and personal property; hold, exchange, mortgage, or sell the same, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal. And said board of trustees is hereby fully authorized and empowered to execute and deliver a mortgage or deed of trust, to be signed by its chairman, attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property, title to which is or may hereafter be vested in said Saint Pauls Graded School District, or in said board of trustees, to secure the bonds herein provided for and the interest on the same.

Corporate name.

Corporate powers.

Execution of mortgage.

Trustees to issue bonds.

Sec. 3. That the board of trustees of said Saint Pauls Graded School District, hereinafter provided for, or their successors in office, shall be and they are hereby authorized and empowered to issue bonds of said Saint Pauls Graded School District to an amount not exceeding fifteen thousand dollars ($15,000) in such denominations as said board of trustees may deem advisable, bearing interest from their date at a rate not exceeding six per centum per annum, with interest coupons attached, payable semiannually at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be in such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from date of issue, and at such place or places, as said board of trustees may determine: *Provided*, that said board of trustees may issue bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for.

Amount.

Interest.

Maturity.

Proviso: bonds issued as required.

Use of proceeds.

Sec. 4. The proceeds arising from the sale of said bonds, or so much thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary and furnishing the same with all necessary equipment.

Sale of bonds below par forbidden.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a price less than par;

Specific appropriation.

nor shall said bonds or the proceeds thereof be used or devoted to any other purpose than those declared in section four of this act.

Additional special tax.

Sec. 6. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the graded schools provided for in this act, the board of commissioners of Robeson County shall annually and at the time of levying the county taxes, commencing with the fiscal year beginning next after the ratification of this act by a majority of the qualified voters of the district as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory hereinbefore described under the provisions of Revisal, section four thousand one hundred and fifteen, and which special tax, upon the ratification hereof by a majority of the qualified voters residing in said territory, shall be levied upon all taxable property and polls in the above described territory, levy an additional particular and special tax on all persons and property subject to taxation within the above described territory, not to exceed fifteen cents on the one hundred dollars assessed valuation of property and not more than forty-five cents on each taxable poll.

Limit of rate.

Collection and settlement of tax.

Sec. 7. That said taxes shall be collected by the Sheriff of Robeson County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of the board of trustees of said Saint Pauls Graded School District:

Proviso: bond of treasurer.

Provided, that said treasurer of said board of trustees shall first enter into a good and sufficient bond, payable to the said board of trustees, in such amount as the said board of trustees may direct, conditioned upon the faithful safe keeping and disbursing of said taxes and all other public school funds which may come into his hands for the use and benefit of the said graded school district.

Election on approval of act.

Sec. 8. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act, at an election to be held on the first Monday in May, one thousand nine hundred and thirteen. That thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in a newspaper published in said graded school district, or by printed circulars or notices posted at at least ten places in the above described territory. It shall be the duty of the board of commissioners of Robeson County to appoint a registrar and two judges of election to conduct said election, all of whom shall be qualified residing in said territory. It shall be the duty of said registrar to make a new registration of all the persons entitled to vote for members of the General Assembly residing in the territory hereinbefore described, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly, at some fixed place within the town of Saint Pauls, for four successive Saturdays,

Date for election.

Notice of election.

Election officers.

New registration.

Registration.

between the hours of eight A. M. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory, and only those persons who are duly registered in accordance with the provisions hereof shall be deemed qualified voters under the provisions of this act. All challenges of voters may be entered on any registration day and shall be passed on by said judges of election and registrar on the day of election. Said registrar shall receive, as compensation for his services, the sum of three cents for each voter registered by him and three dollars for his attendance upon the election, and the judges of election shall receive the sum of three dollars each for their services on election day, including making up the returns. Said registrar shall post in the town of Saint Pauls and at at least five other public places in said territory, notice of the days, hours, and place of registration. For the purpose of this act the polls shall be opened at the regular voting place for the election of town officers in the town of Saint Pauls at the hour of eight o'clock A. M. and shall close at sundown. All cost in connection with such election shall be paid from the funds of Robeson County and it shall be the duty of the board of commissioners thereof to pass upon and pay the same.

Challenges.

Compensation of registrar.

Compensation of judges.

Notice for registration.

Voting hours.

Cost of election.

Sec. 9. At said election those who are in favor of the creation of said graded school district and the issuance of the bonds herein provided for shall vote a written or printed ballot with the word "Approved" upon it, and those opposed to creating said graded school district and issuing said bonds shall vote a written or printed ballot with the word "Disapproved" upon it. The number of voters registered and the number of ballots cast for and against the creation and issuing of said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Robeson County, who shall furnish to the board of trustees of said graded school district a certified copy of said returns to the Secretary of State, which he shall file in his office. If at the said election a majority of the qualified voters of said district shall vote "Approved," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees and take such steps as may be necessary for the issuance and sale of the bonds herein provided for, and shall enter upon the duties enjoined upon them by this act.

Ballots.

Count and return of vote and record of result.

Trustees to qualify and discharge duties.

Sec. 10. That A. R. McEachern, Locke Shaw, G. M. D. Howard, L. A. McGeachy, Marcus Smith, W. N. McLean, and W. S. Johnson be and they are hereby constituted and appointed the board of trustees of said Saint Pauls Graded School District as herein provided; and G. M. D. Howard and L. A. McGeachy shall hold their office for two years; Marcus Smith and W. N. McLean shall hold their office for four years; and Locke Shaw, A. R. McEachern, and W. S. Johnson shall hold their office for six years; and each

Trustees named.

Terms of office.

trustee shall hold office until his successor shall be appointed and shall qualify in accordance with the provisions of this act; and the term of office of said trustees shall be considered as beginning on the first Monday in May, one thousand nine hundred and thirteen.

Beginning of term.

Election of successors.

Sec. 11. Whenever the term of office of any class of trustees shall expire, as above provided, their successors shall be appointed for a term of four years by the board of education of Robeson County, the persons to be so appointed to be residents and qualified voters of said graded school district hereby created. All vacancies from said board of trustees, caused by death, resignation, removal from the district, or otherwise, shall be filled by the remaining members of the board of trustees, and the person so chosen shall serve the unexpired term of his predecessor, and at the end of such unexpired term his successor shall be appointed by the board of education of Robeson County as hereinbefore provided. The office of trustee shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina.

Vacancies.

Trustees not officers.

Trustees to organize.

Sec. 12. That after the ratification of this act by a majority of the qualified voters residing in said territory, said board of trustees, at their first regular meeting, and annually thereafter on the first Monday in June in each year, shall elect from their number a chairman and a secretary. They shall also elect a treasurer who may or may not be a member of said board. The treasurer shall have charge of all the moneys received and disbursed and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive such compensation as may be fixed by said board and give such bond as may be required by said board. The secretary shall keep minutes of all meetings and shall attest the signature of the chairman to all legal documents, and shall be the custodian of the corporate seal, and shall issue, by order of the board, all orders or warrants for the payment of money.

Treasurer to have charge of moneys.

Monthly reports.

Compensation and bond of treasurer.

Duties of secretary.

Annual reports of trustees.

Sec. 13. That it shall be the duty of the said board of trustees to make annually to the board of education of Robeson County, after the close of each school year, a full and complete report of the operation of said graded schools, together with a financial report, which shall show all receipts and disbursements, and said report shall contain such further information as may be required by the board, or by the county board of education; and a copy of said report shall be posted in some public place in the town of Saint Pauls for the information of the voters of the district.

Report posted.

Employment of teachers.

Sec. 14. Said board of trustees shall not employ as a teacher in said graded schools any person who shall not be entitled to teach in the public schools of Robeson County under the general school law. The board of trustees shall have the right, in the exercise of their discretion, to admit to the said graded schools students or pupils residing out of the said graded school district,

Nonresident pupils.

and to charge, collect, and receive such tuition or other charges as may be fixed by said board for such nonresident students or pupils.

Sinking fund.

Sec. 15. That it shall be the duty of the said board of trustees of said Pauls Graded School District, commencing with the fifth year after their first qualification under the provisions hereof, to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year, from the taxes collected or moneys appropriated to said graded school district, a sum sufficient to fully pay off and discharge the principal of said bonds at maturity, which sinking fund shall be kept securely invested or loaned out on first mortgage on real estate in Robeson County worth not less than double the amount of the loan. It shall also be the duty of said board of trustees to provide for the payment, semiannually, of the interest on said bonds, and, for that purpose, to set apart from the taxes collected, or moneys appropriated to said graded school district, a sum sufficient to pay the same.

Investments of sinking fund.

Payment of interest.

Funds paid in to treasurer.

Sec. 16. That all public school funds derived from the State and the county of Robeson, and which may from time to time be collected and apportioned under the general school law for school purposes, for the children in said Saint Pauls Graded School District, and all moneys to which said district may be entitled by reason of any special tax, gift, apportionment, or otherwise, shall be paid to the treasurer of said board of trustees and shall be by him paid out by order of said board of trustees for the proper maintenance of the schools located in said Saint Pauls Graded School District and under the provisions hereof: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Orders for payment.

Proviso: donations.

Present special tax.

Sec. 17. That in case a majority of the qualified voters of the above territory shall not vote "Approved," nothing herein contained shall interfere with the collection of the taxes for the special taxing district which now constitutes said territory, but, in such case, said special taxing district, and the trustees thereof, shall remain as at present constituted.

Further election.

Sec. 18. That in case a majority of the qualified voters shall not vote "Approved" at the election herein provided for, then the board of commissioners of Robeson County, upon the petition of one-tenth of the qualified voters residing in the above territory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint the judges and registrar for said election, the time and place of election to be determined by said board of commissioners, and the machinery of said election, so far as applicable, to be as hereinbefore provided.

Other special taxes not affected.

Sec. 19. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected,

or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be voted for the issue of bonds herein provided for shall be over, above, and separate and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of Revisal, section four thousand one hundred and fifteen; and upon the ratification of this act by a majority of the qualified voters of said graded school district, the special or particular taxes herein provided for shall be levied and collected over, above, and in addition to the special school taxes now levied and collected under authority of law.

Sec. 20. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 21. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 183.

AN ACT TO INCORPORATE MOUNTAIN VIEW INSTITUTE IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. S. Kilby, A. Caudill, Jr., F. B. Hendren, M. McNeil, C. C. Wright, R. L. Church, J. P. Elledge, C. H. Colvard, and W. M. Sebastian, and their associates and successors,

Corporate name.

be and they are hereby created and declared a body corporate and politic by and under the name and style of Mountain View Insti-

Corporate powers.

tute, and by and under that name and style are authorized to have a common seal, to contract and be contracted with, to sue and be sued, plead and be impleaded, to acquire by donation, purchase, or otherwise, real and personal property, to be held to the use and benefit of said institute; to sell and convey real and personal property whenever in the opinion of said trustees a sale thereof would result to the best interests of said institute; and further to do and perform all such acts and things as usually and ordinarily appertain to the conduct of schools of similar character and grade in this State.

Purchases and sales heretofore made approved.

Sec. 2. All purchases and sales of land heretofore made by said trustees, not inconsistent with the purposes and intent of this act, are hereby ratified and confirmed.

Execution of deeds.

Sec. 3. A deed for land authorized to be sold by the trustees of said institute shall be good and effectual to pass title thereto if signed by the chairman of said trustees, with the common seal thereto affixed by the secretary and attested by his signature.

Sec. 4. That said institute shall be run under the auspices of the Stone Mountain, Elkin and Brushy Mountain Baptist associations and such other Missionary Baptist associations as the said Stone Mountain, Elkin and Brushy Mountain associations shall, by resolutions passed by them respectively, admit to the corporation with them. Institute under auspices of missionary Baptist associations.

Sec. 5. That the purpose of said institute shall be the education of boys and girls of the white race, and to that end the trustees and principal thereof may, from time to time, adopt and prescribe such a course or courses of study as will lead to thorough preparation for entrance into any of the colleges of this State, and for any of the ordinary business callings or pursuits of life; and may grant certificates or diplomas of proficiency in any given course. Purpose of institute. Courses of study.

Sec. 6. Any person or persons making, selling, or giving away any intoxicating liquors within three miles of Mountain View Institute, other than for medical purposes under the prescription of a regularly licensed physician as now provided by law, shall be guilty of a misdemeanor and punished in the discretion of the court. Prohibition. Misdemeanor. Punishment.

Sec. 7. Said trustees may adopt such rules and regulations as to them may seem expedient and proper, not inconsistent with the laws and public policy of this State, for the regulation of said school and for the preservation of the building and grounds, and shall have the power to regulate or prohibit stands or other places for the sale of lemonade or other refreshments on the school grounds or within one-half mile of said school; any person erecting or maintaining any stand or other place for the sale of lemonade or other refreshments, or putting up or maintaining any other place of amusement on any lands owned or controlled by said school or the trustees thereof, without the written permission of the chairman of the board of trustees or of the principal of said school, shall be guilty of a misdemeanor. Rules and regulations. Refreshment stands. Erection or maintenance of unlicensed stands misdemeanor.

Sec. 8. By and with the consent of the trustees and school committee of the district in which Mountain View Institute is situated, approved by the county board of education of Wilkes County, the public free school of said district may be taught in connection with said institute under such regulations as may be just and fair both to said institute and to the patrons of said public free school; and the citizens of any adjoining district may attach themselves to said district: *Provided*, they shall pay their pro rata share of any special school tax that may be levied in said district. Public free school in connection with institute. Citizens of adjoining districts. Proviso: payment of special tax.

Sec. 9. It shall be the duty of the Sheriff of Wilkes County to appoint and keep within one mile of Mountain View Institute, from and after the time the school shall annually commence therein, a deputy, and said deputy shall be invested with such police powers as may be necessary to enable him to maintain order on or about the grounds of said institute: *Provided*, he shall receive for his Sheriff to appoint and keep deputy. Police powers. Proviso: fees.

services such fees as prevailed in Wilkes County for such services prior to the time the officers thereof were placed upon a salary.

Sec. 10. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 184.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF WILKES COUNTY TO LEVY A SPECIAL TAX FOR THE PURCHASE OF A COUNTY HOME AND FARM, DIRECTING A SALE OF PRESENT HOME AND APPOINTING COMMISSIONERS, OR COMMITTEE, OF SALE AND PURCHASE, AND PROVIDING FOR MAINTENANCE THEREOF.

Preamble: present home unsuitable. Preamble: central building needed.

Preamble: new home necessary. Preamble: location unsuitable. Preamble: home to be self-sustaining.

That whereas the present County Home for the Aged and Infirm is and has become unsuitable for use; and whereas the erection of a central building for the maintenance and keep of said aged and infirm is needed; and whereas the building of a new county home is an absolute necessity; and whereas the present location of said home is unfit and unsuitable for said purpose; and whereas it is intended that the County Home should be self-supporting: therefore,

The General Assembly of North Carolina do enact:

Committee appointed.

Sale of land and buildings.

Deed to purchaser.

Section 1. That C. F. Morrison, E. B. Barkley, and J. E. Phillips be and are hereby appointed as a committee whose duties shall be, and as are hereinafter set forth, as follows, viz.: They shall advertise for sale, or sell privately, either on time with approved security or for cash, as they in their discretion shall deem best, on or before May the first, one thousand nine hundred and thirteen, or at such time thereafter as may become necessary by reason of failure of confirmation of sale or sales on the part of the board of county commissioners of Wilkes County, and not later than October the first, one thousand nine hundred and thirteen, all the lands and buildings which now constitute the County Home farm for the aged and infirm in the said county of Wilkes; and upon such sale or sales, if the amount derived therefrom be, in their opinion, sufficient, shall recommend to the said board of county commissioners that deed be executed the purchaser in fee simple therefor, and upon confirmation of such recommendation of sale on the part of the said board of commissioners, if in their discretion the same is deemed best, a deed shall be executed said purchaser in fee simple by the chairman of the board of county commissioners and attested by the clerk: *Provided, however*, that no sale of said

Proviso: sale not binding until approval of county commissioners.

property shall be binding upon the board of county commissioners, or committee, until such said confirmation and execution of deed: *Provided further*, that the purchaser of said County Home and farm shall not take or be entitled to take possession of said farm or County Home for a period of six months from and after said confirmation of sale thereof on the part of the said board of commissioners, unless said board of commissioners shall permit, by order, the said purchaser to take possession of said home and farm at an earlier time than that above specified.

Proviso: possession not given for six months.

Sec. 2. That the proceeds derived from the sale of said County Home and farm shall be turned over and delivered to the Treasurer of Wilkes County; the same to be expended by him as hereinafter prescribed, and for no other purpose whatsoever.

Proceeds of sale paid to treasurer.

Specific appropriation.

Sec. 3. That the said committee, as hereinbefore named, shall, on or before May the first, one thousand nine hundred and thirteen, or as soon thereafter as possible, advertise for the purchase of a County Home farm, either with or without buildings, or shall secure, privately, bids of sale and amount of purchase price for said farm or farms, as in their discretion may be deemed wise, and report to the board of county commissioners of said county their action in said advertisement or purchase, and in said report recommend the purchase of such farm as they may deem suitable and best. Said report and recommendation shall be made on or before October the first, one thousand nine hundred and thirteen: *Provided*, that the cost of said farm shall not exceed the sum of twenty thousand dollars and that upon confirmation of said report and recommendation on the part of the said board of county commissioners, if in their discretion the same is deemed best, the said board shall direct the payment of the purchase price thereof to be paid the party or parties from whom the said farm may be purchased (but such purchase price not to exceed the sum of twenty thousand dollars), upon the execution of a deed in fee simple therefor to the said county of Wilkes: *Provided*, that no purchase shall be binding upon the said committee or commissioners until confirmed by the said board of county commissioners.

Advertisement for purchase.

Bids secured privately.

Report and recommendation to county commissioners.

Proviso: limit of cost.

Payment of purchase directed.

Proviso: purchase not binding until confirmed by county commissioners.

Sec. 4. That upon the purchase of said farm, and in the event it is necessary to erect and construct a building or buildings, or it is necessary to remodel a building or buildings for the said aged and infirm citizens of said county, then and in that event the said committee shall advertise for bids on the part of contractors to construct or remodel such building or buildings as may be deemed necessary by said committee, and upon the coming in of said bids they shall recommend the acceptance of such bid as is in their opinion the best, to said board of county commissioners, at any regular or special session of said board; and the said board of commissioners shall, in their discretion, confirm such recommendation and make and enter into such contract for said construction or remodeling, by and between the said commissioners and

Advertisement for bids for construction.

Recommendation of acceptance of bid.

County commissioners may confirm recommendation and make contract.

Proviso: limit of cost.

said contractor whose bid is accepted and confirmed: *Provided*, that the amount in money called for in said contract to be paid by the said county commissioners in Wilkes County shall in no event whatever exceed the amount derived from the sale of the present County Home and farm and the sum of twenty thousand dollars, after deducting from both amounts, viz., twenty thousand dollars and the amount derived in said sale, the amount paid, or contracted to be paid, in the purchase of the County Home farm: *Provided further*, that in the event of a contract of construction of said home, said building shall be of modern construction and constructed of brick.

Proviso: construction of building.

Special tax.

Sec. 5. That the board of county commissioners of Wilkes County at their regular meeting in August, one thousand nine hundred and thirteen, or at such time as the tax levy or assessment is usually made for the said county of Wilkes, shall levy a special tax of five cents (5 cts.), and not to exceed seven cents (7 cts.), on the hundred dollars assessed valuation of all real and personal property lying and being in said county of Wilkes; and that they shall make and levy the same amount, viz., five cents (5 cts.) and not in excess of seven cents (7 cts.) on the hundred dollars assessed valuation of real and personal property lying and being in said county, each succeeding year thereafter as long as may be necessary, to the end and for the purpose of raising revenue to be applied in the settlement and complete discharge of certain notes, with accrued interest thereon, hereinafter described and set forth, and as shall be executed by said board of county commissioners of Wilkes County in payment of the said purchase price of lands for the County Home farm and discharge of contract of construction or remodeling of home as hereinbefore provided for and set forth: *Provided*, that in no event shall any greater sum than twenty thousand dollars be collected under and by virtue of said tax levy, and in addition thereto, such sum as may be necessary to pay the accrued interest on the notes to be executed, and as are hereinafter provided for, the aggregate being twenty thousand dollars, when due and payable.

Tax rate.

Proviso: limit of amount.

Disbursements of purchase price of farm.

Sec. 6. That the moneys derived for the sale of the County Home and farm, as it is now situated, and as shall be paid over to the Treasurer of Wilkes County, shall be paid out by him as in accordance with the orders of the board of county commissioners of said county, who in their discretion shall order such amount so turned over to be paid in purchase of County Home farm or in payment of construction or remodeling of County Home building or buildings, in so far as the same may be applicable toward either object.

Execution of notes ordered.

Sec. 7. That in order that funds may be immediately procured with which to carry out the provisions of this act, the board of county commissioners of Wilkes County are hereby directed and commanded to execute at their regular session in May, one thousand nine hundred and thirteen, or not later than their regular

session in October, one thousand nine hundred and thirteen, eight negotiable notes of the denomination and amount of twenty-five hundred dollars each, to be of form, and executed, as follows, subject to provisions hereinafter set forth, viz.:

Wilkesboro, N. C., Form of notes.

$2,500.00. March the third, one thousand nine hundred and thirteen, or October the seventh, one thousand nine hundred and thirteen, as case may be.

The County of Wilkes hereby promises to pay bearer on or before October the first, one thousand nine hundred and fourteen (and for each succeeding year thereafter for the time of eight years notes shall be drawn as in this form, providing that the second note shall fall due on October the first, one thousand nine hundred and fifteen; the third note, October the first, one thousand nine hundred and sixteen; fourth note, October the first, one thousand nine hundred and seventeen; fifth note, October the first, one thousand nine hundred and eighteen; sixth note, October the first, one thousand nine hundred and nineteen; seventh note, October the first, one thousand nine hundred and twenty; eighth note, October the first, one thousand nine hundred and twenty-one), the sum of twenty-five hundred dollars, for value received, and with interest from date until paid, at the rate of six per cent per annum at maturity hereof, under and by virtue of act of General Assembly of North Carolina, session one thousand nine hundred and thirteen.

(Signed) D. C. SEBASTIAN, [Seal].
Chairman Board County Commissioners of Wilkes County.

A. C. WALLS, [Seal].
J. B. FRALEY, [Seal].
Members Board County Commissioners of Wilkes County.

Attest:
W. H. FOSTER,
Clerk ex officio to Board County Commissioners of Wilkes County.
[County Seal.]

Provided, that in the event any member of said board, as it is now constituted, should resign, or die, or in any way become disqualified, his successor shall execute said notes, and the same shall be in all respects as if executed as provided above. That the said notes, as they mature and become payable as provided above, shall be presented the Treasurer of Wilkes County, and he, the said treasurer, shall pay the same, with interest as thereon accrued: *Provided further*, that unless said notes are presented for payment to the said treasurer within six months from date and time due, unless payment thereon is refused by said treasurer for want of sufficient funds, the said county of Wilkes shall not pay, nor be liable for, any interest that may accrue thereafter on said notes;

Proviso: successor to sign in case of occurrence of vacancy.

Presentation and payment of notes.

Proviso: liability for interest after maturity.

Proviso: validity of notes.

nor shall the said treasurer be liable therefor: *Provided further*, that nothing herein contained shall be construed to affect the validity of said notes nor the power of collection of same as against the said county of Wilkes.

Notes and tax for sum found necessary.

Sec. 8. That in the event the sum of twenty thousand dollars is not necessary to be paid in the purchase of said County Home farm and construction or remodeling of a building or buildings for the use of the said aged and infirm, then and in that event only that amount of money so needed therefor, in addition to amount derived from sale of present home and farm, shall be raised by execution and disposal of the notes hereinbefore described and provided for; and only that amount required by way of taxation, by said special levy, shall be levied, assessed, or collected. That to this end the said board of commissioners are authorized and empowered to issue note or notes of smaller denomination and amount than that herein provided for: *Provided further*, that in no event shall a greater amount than twenty thousand dollars be executed and issued in said notes, and no greater amount expended than the amount derived from sale of present home and farm and said sum of twenty thousand dollars.

Notes of smaller denomination and amount.

Proviso: limit of amount of notes and expenditures.

Collection and settlement of taxes.

Sec. 9. That the moneys collected under and by virtue of the said tax assessment hereinbefore directed shall be collected by the Sheriff of Wilkes County as is other taxes, and the same shall be paid to the Treasurer of Wilkes County and the said treasurer shall keep and maintain a separate account of said moneys, and upon presentation of the notes hereinbefore described, upon their maturity, shall pay the same to the holder or holders thereof, with interest then accrued thereon, subject to provisions of nonpayment as herein prescribed, out of the said fund as above specified, and herein now designated County Home Fund.

Treasurer to keep separate accounts.

Payment of notes on presentation.

Committee to enter on duties.

Sec. 10. That the committee herein named and designated shall enter upon the discharge of their duties as soon as possible after the ratification of this act, and not later than May the first, one thousand nine hundred and thirteen, and that in the event either one or all of said committee should refuse to qualify, or after qualification and entrance upon their duties, either one, or all, should die or resign, then and in that event it shall be the duty of the clerk of the Superior Court of said county to appoint such committeeman as is necessary to fill such vacancy or vacancies; that before the said committee shall enter upon the discharge of their duties herein prescribed, they shall take and subscribe an oath, before the clerk, to faithfully and truly carry out their said duties.

Vacancies.

Committee to qualify.

Pay of committee.

Sec. 11. That the said committee, herein appointed, shall be paid the sum of three dollars per day and mileage as now allowed by law, and such other expenses as may be necessary in the discharge of their duties, by the said county of Wilkes, while actually engaged in the performance of their duties as herein prescribed.

Sec. 12. That any one who shall fail to discharge the duties herein imposed upon him or them, or shall fail and neglect to observe and carry out the terms of this act, either in whole or in part, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished in the discretion of the court. Failure in duty a misdemeanor.

Sec. 13. That the board of county commissioners of Wilkes County are hereby authorized and empowered, in their discretion, to establish a convict camp upon said County Home farm and direct that all persons convicted in the Superior Court of Wilkes County, and upon whom sentence of imprisonment is imposed, shall be assigned to work upon the said County Home farm, and all others who may be sentenced to the common jail of Wilkes County; that said board of commissioners shall, in the event said convict camp is established, make such rules and regulations affecting same, and in the establishment thereof, as is deemed best, to the end and for the purpose of utilizing the labor of said convicts in the maintenance and keep of said aged and infirm citizens of Wilkes County; that upon said assignment to work upon county farm of any convict, that said county shall pay into the office of the Clerk of the Superior Court of Wilkes County such court costs as may be taxed against such said defendant or convict; that in the event said convict camp is established and it should be found by said board of commissioners of Wilkes County that the same was a source of expense instead of income, then they shall abolish the same and direct that no convict be assigned to work upon said farm, but be punished as the law now provides or may hereafter provide. Convict work on county home farm. Rules and regulations for convict work. County to pay costs on assignment of convict. Abolition of convict labor.

Sec. 14. That all laws or clauses of laws in conflict herewith are hereby repealed.

Sec. 15. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 185.

AN ACT TO INCORPORATE THE ELON GRADED SCHOOL DISTRICT FOR THE WHITE RACE IN BOON STATION TOWNSHIP, ALAMANCE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That all the territory embraced in Elon Special-tax District, Number Two, for white race, in Boon Station Township, Alamance County, North Carolina, in which a special school tax of thirty cents on the hundred dollars valuation and ninety cents on the poll has been voted to be levied annually, said special levy now being in force, shall be and is hereby constituted "The Elon Graded School District for the white race." Territory constituted Elon graded school district.

Special tax.

Sec. 2. That it shall be the duty of the commissioners of Alamance County and their successors to levy annually the said special tax of thirty cents on the hundred dollars valuation of all the taxable property of said district and ninety cents on the poll; and said taxes shall be due and collected annually by the sheriff or tax collector of said county as and at the time other taxes are due and collected. And said taxes shall be paid over by said sheriff or tax collector of said county to the treasurer of the board of trustees of said graded school, and all other funds that may come into his hands for the use of said graded school.

Collection of tax.

Moneys paid to school treasurer.

Apportionment from general fund.

Sec. 3. That the public school money which may be from time to time collected and apportioned under the general school law for general school purposes, for the children in the said district, together with any moneys now in the hands of the treasurer of said county to the credit of said district, shall be paid over by him to the treasurer of the board of trustees of said district, and shall be applied in keeping up said graded school under the order and direction of said board of trustees.

Trustees named.

Sec. 4. That L. I. Cox, J. O. Atkinson, J. W. Ingle, W. P. Lawrence, and W. C. Michael are hereby appointed a board of trustees for said graded school; L. I. Cox for a term of five years, J. O. Atkinson four years, J. W. Ingle three years, W. P. Lawrence two years, and W. C. Michael one year; and the terms of said trustees so appointed shall be counted from the first Monday in July, one thousand nine hundred and thirteen, and until their successors are elected and qualified. All vacancies occurring by expiration of terms of office shall be filled by the county board of education for a term of five years. Other vacancies shall be filled by the said county board of education for the unexpired terms of office. And the trustees herein appointed are hereby constituted a body corporate, having the general powers now conferred by law on corporations, and shall have control of the public school property of said district. The said board of trustees shall have power to employ and to fix the salaries of a superintendent and teachers, and shall have such other powers and duties, not inconsistent with the law, as shall enable them to carry on an efficient graded school in the district.

Terms of office.

Beginning of term.

Successors.

Vacancies.

Incorporation.

Employment and salaries of superintendent and teachers.

Other powers and duties.

School property vested in trustees.

Sec. 5. That the property, both real and personal, of the public school of the said district shall become the property of the said graded school and shall be vested in said board of trustees and their successors, in trust for the said graded school: *Provided*, that in the event of the discontinuance of the said graded school, all of the property thereto belonging shall revert to and become the property of the said public school of said district.

Proviso: reversion on discontinuance of school.

Nonresident pupils.

Sec. 6. That said board of trustees, as herein constituted, may admit as pupils in the said graded school children who reside outside of said district, upon the payment of such rates of tuition as may be established by said board of trustees.

Sec. 7. That said board of trustees shall pass such by-laws to regulate its meetings as it shall deem necessary, and shall elect a treasurer, who shall have charge of all moneys coming to its hands, and who shall pay the same out upon such vouchers as it may direct, and who shall receive such compensation and shall give such bond as said board shall direct. And the said board of trustees shall expend all funds coming into its hands from all sources for the benefit of the graded school of said district; and said board of trustees shall be the sole judge of how much shall be expended in any year upon building and equipment.

By-laws.

Election, duty, compensation, and bond of treasurer.

Expenditure of school fund.

Sec. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 186.

AN ACT TO AMEND CHAPTER 344 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, GRANTING ADDITIONAL POWERS TO THE BOARD OF ALDERMEN OF THE CITY OF CONCORD, CABARRUS COUNTY, TO ASSESS LAND FRONTING ON STREETS OF SAID CITY A PART OF THE EXPENSE OF PERMANENT IMPROVEMENT OF SAID STREETS.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and forty-four of the Private Laws of North Carolina, session one thousand nine hundred and seven, being an act entitled "An act to amend, revise, and consolidate the charter of the city of Concord, in the county of Cabarrus and State of North Carolina," be and the same is hereby amended as follows: That the board of aldermen of the city of Concord shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets for permanent improvement, and of equalizing assessments on real estate to pay the cost of such improvements as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this act for more permanent improvement of all streets, said board of aldermen shall have the power to pass an ordinance assessing one-fourth of the cost of paving the streets with bitulithic, asphalt, vitrified brick, tarvia, or other permanent paving on the real estate abutting on one side of said street, or portion thereof so laid out and improved, and one-fourth on the real estate abutting on the other side of said street, or portion so laid out and improved, and it shall be incumbent on the owners of the real estate abutting on each side of the street,

Improvement districts.

Equalization of assessments.

Apportionment of cost.

or part thereof so laid out and improved, to pay the amount so assessed for such improvement, and said assessment shall constitute a lien on the lot or lots of said landowners abutting on the street: *Provided, however*, that the board of aldermen shall cause to be published in a newspaper published in the city of Concord, at least ten days before such work shall be commenced, a notice that the board of aldermen has ordered said street to be paved, which said notice shall be full and sufficient notice to all property-owners abutting on said street: *Provided, also*, that the city of Concord shall, out of the general funds, pay the remainder of said cost, and for all street intersections so paved, except that portion of such street and intersections occupied or used by any street railway, which must be assessed and paid as hereinafter provided by the owners and operators thereof.

Assessment a lien on lots.

Proviso: notice of order.

Proviso: payment by city.

Proportion charged on street railways.

Sec. 2. That if any street railway company or corporation have tracks running through or across any street ordered to be paved with bitulithic, asphalt, vitrified brick, tarvia, or other permanent paving, then said street railway company or corporation shall be charged with and shall pay the cost of paving the space lying between its rails and for twenty-four inches on each side of each line of track, as they are now constructed or may hereafter be constructed by said street railway company or corporation: *Provided, however*, that whatever of the cost of the street improvements which may be paid by or assessed against the property of any street railroad or railway company as herein provided shall be deducted from the proportion of the cost of such improvement for which the city of Concord is liable, and the amount paid by or to be paid by said street railway company shall not in any event be deducted from any sum assessed against the abutting landowners under the provisions of this act: *Provided further*, that whenever any street railway company or corporation shall lay a track upon any street, then said railway company or corporation shall be chargeable with the cost of placing said street in the condition same was found when said track was laid.

Proviso: payments by railways deducted from city's proportion.

Proviso: cost of restoring street charged to railway.

Assessments prorated in proportion to frontage.

Sec. 3. In order to equalize the assessments on real estate for the purpose of improving the streets as hereinbefore provided, the said board of aldermen shall take the total cost of paving throughout the entire length of such work within each district, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion thereof so improved, and charge to and assess upon the real estate upon each side of the street upon which said work is done its pro rata share of the cost of such improvement made. Immediately upon the completion of the work upon any street ordered paved by the board of aldermen under the provisions of this act, the city engineer or other person in charge of said work shall make a report in writing to the said board of aldermen showing the cost of paving throughout the entire length of said work, with the number and

Report of cost and of lot frontage.

description of the lots abutting on said street, or portion thereof so improved, together with the number of feet frontage of each of said lots and the owners thereof. The board of aldermen at its next meeting after said report shall have been made shall cause notice of the assessment against abutting property on any street in any improvement district or section to be given by advertisement at least once a week for two successive weeks, which notice shall be deemed to be full and sufficient notice to all property-owners abutting on said street. Said notice shall state the time and place when and where such assessments are to be made and determined, and shall notify all persons interested to appear and show cause, if any, why such assessment shall not be made. That at said time and place said board of aldermen shall proceed to prorate the cost of said work and assess said property as above provided: *Provided, however*, that no assessment against any piece of property improved as herein stated shall exceed in amount ten per cent of the actual cash value of said property.

Notice of assessment.

Assessment.

Proviso: limit of assessment.

Sec. 4. That the amount of the charges made against the land-owner and assessed on the respective lots as hereinbefore provided for shall be and constitute, from the commencement of the work for which they are charged and assessed, liens on the respective lots upon which they are charged and assessed, and the said amounts shall be placed in the hands of the tax collector for collection, and any property-owner shall have the right to pay the charges made as hereinbefore prescribed in cash without interest, if same be done within thirty days from and after the date that said board of aldermen shall make said assessment or said property-owner may, within thirty days after said assessment, have the privilege of executing to the city of Concord two notes of equal amounts covering his assessment, dated the day said assessment was made by the board of aldermen, the first note due twelve months after date and the second note due two years after date, with interest thereon at six per cent per annum from date until paid, interest due and payable annually, in which case the amounts due shall be and remain a lien on the lot or lots against which they are charged and assessed until fully paid: *Provided further*, that in case there shall be default in the payment of any assessment for thirty days after said assessment has been made where no notes have been given, or in case where notes shall have been given, there shall be a default in the payment of the first note for thirty days after the same shall become due, then and in that event the note remaining, if any, shall become due, and the tax collector in either event may proceed to sell said lot or lots for cash to the highest bidder at the courthouse door of Cabarrus County, after advertisement for thirty days in some newspaper published in Concord, and said tax collector shall make a deed to the purchaser and out of the moneys arising from such sale pay off and discharge the amount charged and assessed on

Liens on lots from commencement of work.

Payments in cash without interest.

Notes for assessment.

Proviso: sale for lien.

Deed for property.

said lot or lots, together with interest on the same and the cost of sale, and pay the surplus, if any, to the person or persons legally entitled to the same.

Lien book.

Sec. 5. That for the convenience of the public, the tax collector shall keep in his office a lien book, in which shall be entered the location of the lots and the street number, if known, upon which assessments have been made, the name or names of the reputed owners thereof, and the amount due on such assessment. This book shall be indexed and shall be open to the inspection of the public.

Book indexed and open for inspection.

Objection to assessments.

Sec. 6. That any person who shall feel aggrieved by the assessments made by said board of aldermen as herein provided shall have the right within ten days after the assessments are made, and not after that time, to file his objections to said assessments, and to appeal from the decision of the board of aldermen to the next term of the Superior Court of Cabarrus County, by serving upon the city of Concord notice in writing of his intention to do so, and specifying in said notice the grounds of his objections to said findings and by filing within said time with the Clerk of the Superior Court of Cabarrus County a written undertaking in the sum of two hundred dollars, with sufficient surety, approved by said clerk, to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of said appeal. In case of an appeal from the decision of the board of aldermen, the ordinance laying out the improvement district, the action of the board in making or levying the assessment, and the objections of the property-owner filed thereto, shall constitute the case on appeal. All of said papers shall be certified by the city clerk or treasurer to the Superior Court, and shall be docketed on the civil-issue docket and stand at issue as other civil cases regularly brought in said court. If all issues be found in favor of the appellant on such appeal as above provided for, the lien for said assessments shall be discharged; if, however, the issues or any of them be found in favor of the city of Concord to any amount, and judgment shall be rendered in favor of said city for such amount, then said judgment shall be and continue a lien against the property upon which the original assessment was placed from the date of said assessment. That upon such appeal from the decision of the board of aldermen, all sections and provisions of this act shall be *prima facie* presumed to have been complied with.

Right of appeal.

Bond on appeal.

ase on appeal.

Judgment on appeal.

Apportionments between life tenants and remaindermen.

Sec. 7. That when any life tenant shall be compelled to pay the assessment upon any lot or lots, then said life tenant shall have the right to recover from the remaindermen such part of said assessment as shall be in the same proportion to the whole of said assessment as the present cash value of the remainder is to the value of the lot or lots, and when the remaindermen shall be compelled to pay said assessment, then said remaindermen shall have the right to recover from the life tenant such part of said assess-

ment as shall be in the same proportion to the whole of said assessment as the present cash value of the life estate is to the value of the lot or lots.

Sec. 8. That the words "cost of paving," whenever the same shall appear in this act, shall be construed to mean the actual cost of the materials used in said work, together with all other costs incident to laying the same, including the cost of preparing a bed in which to lay the same, but shall not in any event be construed to mean and include the cost of grading the street in preparation for said work. That any part of any lot in the city of Concord which abuts upon any street in said city shall be construed to be "frontage" within the meaning of this act. Definition of "cost of paving." Definition of "frontage."

Sec. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 187.

AN ACT FOR THE RELIEF OF M. C. HONEYCUTT, CLERK OF THE SUPERIOR COURT OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the State Treasurer be and he is hereby authorized and empowered to pay, upon presentment, pension warrant number nine thousand and eight hundred, for the year one thousand nine hundred and twelve, payable to Samuel G. Williams of Yancey County, for services as soldier in the service of the late Confederate States. Pay of pension warrant authorized.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 188.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON, RELATING TO GRANTING FRANCHISES.

The General Assembly of North Carolina do enact:

Section 1. That the board of town commissioners of the town of Wilson, North Carolina, be and the same is hereby forbidden from giving, granting, or selling to any person, firm, or corporation a franchise for the construction, erection, operation, or maintenance of any public utility in the town of Wilson until after the question of granting any such franchise shall have been submitted at an Grant of franchises to be submitted to voters.

election duly and properly called by the board of town commissioners of the town of Wilson of the qualified voters of said town, whether the said franchise shall be given and granted to such person, firm, or corporation as may apply therefor; that at such election so held for the purpose of determining whether any such franchise shall be given and granted, those favoring the giving and granting of such franchise shall vote a ballot on which shall be written or printed the words "For Franchise," and those opposing the giving and granting of said franchise shall vote a ballot on which shall be written or printed the words "Against Franchise," and if a majority of the qualified voters of the town shall vote at such election "For Franchise," the board of town commissioners of the town of Wilson shall thereupon give and grant to the person, firm, or corporation applying therefor a franchise in such form as may properly protect the town and the inhabitants thereof, and shall give the person, firm, or corporation applying therefor permission to do the business or to construct, erect, operate, and maintain a public utility in accordance with the application made therefor: *Provided*, that before such election shall be called, the application for the said franchise, stating in full all of the purposes for which it is sought and all of the terms, conditions, and stipulations acceptable and desirable, shall be presented to the board of town commissioners of the town of Wilson and by the said board published in a newspaper published in the town of Wilson, in full, on at least three separate days, and the franchise, if granted, shall in no material way differ from the application as published: *Provided further*, that no such election shall be called until and after the person, firm, or corporation making application for said franchise shall have deposited with the board of town commissioners of the town of Wilson a sum of money sufficient to pay all of the expenses of the said election and publication in a newspaper of the application for said franchise as herein required, together with all other necessary expense connected with the granting of said franchise.

Ballots.

Majority of qualified voters to grant franchise.

Proviso: publication of application for franchise.

Proviso: deposit for expense of election.

Limit of elections.

Sec. 2. If at any election held hereunder the qualified voters of the town of Wilson shall vote "Against Franchise," then and in that event the application therefor shall be refused and another election on another application from the same person, firm, or corporation or any one representing the same, for a franchise for a similar purpose shall not be held within two years from the date of said election in which the application for the franchise was rejected.

Sec. 3. All laws in conflict herewith are hereby expressly repealed.

Sec. 4. This act shall be in effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 189.

AN ACT TO EMPOWER THE BOARD OF ALDERMEN OF THE TOWN OF BELMONT TO PERMANENTLY IMPROVE ITS STREETS.

The General Assembly of North Carolina do enact:

Owners of lots to improve sidewalks.

Section 1. That whenever the board of aldermen of the town of Belmont, in Gaston County, North Carolina, shall determine to macadamize, pave, improve, or repair any street or streets of the said town or sidewalk or sidewalks thereof, then the owner of every lot on such street or sidewalk so macadamized, paved, improved, or repaired, if ordered by the said board of aldermen, shall improve, curb, pave, or repair in such manner as said board of aldermen may direct, such sidewalk or sidewalks so far as it or they may extend along such lot: *Provided, however*, that one-half of the actual and necessary expense and cost of such improvements, curbing, paving, or repairing shall be paid by the town of Belmont and one-half by said lot owner or owners. Work done under this section shall be done under the strict supervision of the officers of said town, and on failure to do as directed within twenty days after the notice by the officers of said town to said owner, or, if he be a nonresident of the county, to his agent, or if such nonresident have no agent in said county known to the board of aldermen, or if personal notice cannot be served upon the owner or agent, then after the publication of a notice for ten days in some newspaper in said county, calling on the owner to make such improvements, paving, curbing, or repairing, the board of aldermen may cause the same to be repaired, curbed, paved, or improved as directed by the board, and one-half of the expense shall be paid by the person in default. Said one-half of the cost and expense so to be paid by the lot owner shall be a lien upon said lot, and if not paid within two months after the completion of the same, such lot shall be sold, or enough of the same, to pay said expenses or costs, under the same rules and regulations and restrictions, rights of redemption and saving, as are prescribed for the sale of land for unpaid taxes: *Provided, however*, that the board of aldermen of said town, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed to the owner, have all the work provided for herein done by the street forces or by contract, and shall charge one-half of the actual cost and expense of such work to the property abutting on such sidewalk or sidewalks, and the said charges shall be a lien as herein provided and collected as provided above: *Provided further*, that whenever said town has had any of said work done, it shall give to the owner of said abutting property ten days notice of the amount charged against his said property,

Proviso: apportionment of cost.

Supervision of town officers.

Work done by town on failure of lot owner.

Expense a lien on lot.

Sale of lot.

Proviso: option in town to do all work.

Proviso: right of owner to appeal.

and if the owner is dissatisfied with the amount of the said charge, he may give notice to the board of aldermen within ten days after such notice that he takes an appeal to the next term of the Superior Court of Gaston County, and shall, within five days thereafter, serve a statement of facts upon which he bases his appeal and otherwise comply with all the statutory provisions regulating appeals to the Superior Court. The said appeal shall be tried as other actions at law, and the said owner may, in like manner and time, appeal from any act or order of the board of aldermen made or done under this section, but no appeal provided for herein shall delay or stop said improvements, paving, curbing, or repairing.

Trial on appeal.

Appeal not to delay action.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 190.

AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF THE MOUNT OLIVE GRADED SCHOOL DISTRICT, MOUNT OLIVE, NORTH CAROLINA, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Law repealed.

Section 1. That chapter thirty-nine of the Private Laws of one thousand nine hundred and three be and the same is hereby repealed.

Bonds heretofore issued.

Proceeds of bonds exhausted.

Buildings still inadequate.

New building demanded.

Bond issue authorized.

Amount.

Sec. 2. That whereas, under and by virtue of the power granted in chapter thirty-nine, Private Laws of one thousand nine hundred and three, bonds were issued in the full sum of ten thousand dollars ($10,000) for the purposes designated in said act; and whereas the amount realized by said issue has been exhausted, and the graded school buildings are still inadequate and too small to accommodate the increasing demands to take the necessary care of the pupils attending said schools; and whereas it is the unanimous opinion of the trustees or committeemen of said school and the general opinion of the taxpayers of said district and patrons of said school that another and commodious building or buildings should be erected for said school in addition to the present buildings; and whereas other improvements are necessary on the grounds of said graded schools: Now, therefore, for the purpose of raising money to build, erect, construct, and equip an additional suitable and proper buildings for the Mount Olive Graded School District in said county of Wayne, and for any other needed improvements to the present buildings and grounds, the school committee of said school district, corporation as aforesaid, is hereby authorized and empowered to issue bonds in the name of the Mount Olive Graded School District to an amount not

exceeding ten thousand dollars ($10,000), payable at the Citizens Bank of Mount Olive, North Carolina. Said bonds shall bear not exceeding five (5) per cent interest per annum, which interest shall be payable annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each year they have to run, and said coupons after their maturity shall be receivable in payment of school taxes in said school district, and if the holder of said bonds or coupons shall fail to present the same for payment at the time and place herein named, he shall not be entitled to more than ten days interest thereon for the time they have been outstanding after maturity. Said bonds shall be in denominations of five hundred dollars each and shall mature and be payable within twenty years from the date of their issue, and shall be signed by the chairman of said corporation and countersigned by the secretary, and said secretary shall keep a record of the number and amount of each bond issued and date of issue, when same matures, and to whom payable.

Interest.

Bonds receivable for school tax.

Denomination.

Maturity.

Authentication.

Record of bonds.

Sec. 3. That said bonds shall not be sold, hypothecated, or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any other purpose than those mentioned in section one of this act.

Sale below par forbidden.

Specific appropriation.

Sec. 4. That for the purpose of providing for the payment of the annual interest on said bonds as they mature the county commissioners of Wayne County shall annually, at the time of levying taxes for State and county purposes, levy and lay a special and particular tax on all persons, property, and subjects of taxation which are now and may be hereafter subject to taxation under the law for the State and county purposes, or which may hereafter become so by the law of the State, sufficient to meet the annually accruing interest on said bonds. The taxes provided for in this section shall be collected by the sheriff or tax collector for Wayne County, North Carolina, in the same manner and at the same time as the State and county taxes are collected, and shall be accounted for and kept separate and apart from all other taxes collected by him, and paid over to the treasurer of said graded school district exclusively to the purpose for which they are collected; and it is *further provided*, that after the expiration of ten years from this issuance of said bonds, or any part of them, an additional special tax (if that be deemed expedient and desirable) may in like manner be levied, laid and collected each and every year sufficient in amount to redeem, retire, and take up each and every year such an amount of interest and principal as the said committee may determine.

Special tax.

Collection of tax.

Settlement.

Tax after ten years.

Sec. 5. That none of said bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified registered voters of said graded school district, at an election to be held in the town of Mount Olive, North Carolina, in said school district, on a day to be designated and fixed by said graded school

Act to be approved by voters.

Notice of election. committee at any time from and after the passage of this act, and after the expiration of public notice for thirty days preceding said election, giving time and place where the said election will be held and registration books opened, which said notice shall contain a synopsis of the act and the object of said act, and shall be published once a week for four consecutive weeks immediately preceding said election, in any newspaper published in the town

Judges of election. of Mount Olive or county of Wayne; and it shall be the duty of the county commissioners of Wayne County, at any of their regular meetings after the passage of this act, and at the request of said graded school committee, to appoint four good men and freeholders and residents of said school district, as judges of said

Registrar. election, all or any two of whom may act; also to appoint a regis-

Registration. trar for said election, who shall on the thirtieth day preceding said election open at some convenient place in the town of Mount Olive, North Carolina, the registration books, upon which shall be recorded the names of those who present themselves for registration between the hours of sunrise and sunset, if they be *bona fide* residents and qualified voters of said graded school district and entitled to register and vote for State officers and for the county officers of the county of Wayne in any general election that might be held for that purpose in Wayne County at the time of the elec-

Hours for election. tion herein provided for. The aforesaid judges appointed and named as aforesaid shall meet in the town of Mount Olive, North Carolina, at sunrise on the day designated for said election, and after being duly sworn by an officer of the law authorized and empowered by law to administer oaths, to the effect that they will honestly, faithfully, conscientiously, and impartially discharge their duties as judges of said election, proceed to open the polls, that all who are entitled to vote at said election and desire to do

Voting. so may vote. Their voting shall be done by ballot, written or

Ballots. printed on a white piece of paper, which the voter shall deposit in a box prepared by said judges for that purpose. Those voting approving the provisions of this act shall vote "For Bonds," and

Count of votes and declaration of result. those not approving, "Against Bonds." When the polls are closed at sunset the aforesaid judges shall proceed to count the ballots and declare the result of said election, which they shall certify to the commissioners of Wayne County over their signatures at the next regular meeting of said commissioners after said election,

Record of result. which said commissioners shall cause to be entered upon their

Effect of election. minutes as a record thereof. If the result of said election is in favor of the issue of said bonds, then the same may be issued in accordance with the provisions of this act; otherwise, not; and if the said election shall result unfavorable to the said bond issue,

Act reinstated. then in that event the act passed by the General Assembly at its session of one thousand nine hundred and three, creating the revenues for said school, shall be reinstated.

Sec. 6. That all laws and clauses of laws in conflict with this chapter are hereby repealed.

Sec. 7. That this act shall be in full effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 191.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALUDA IN THE COUNTY OF POLK.

The General Assembly of North Carolina do enact:

Section 1. That chapter five of the Private Laws of North Carolina, session one thousand eight hundred and eighty-one, entitled "An act to incorporate the town of Saluda in the county of Polk," and chapter ninety-three of the Private Laws, session one thousand nine hundred and three, and chapter twenty of the Private Laws, session one thousand nine hundred and seven, of the General Assembly of North Carolina, and all other acts amendatory of the said act to incorporate said town, be and the same are hereby amended to read as follows: The corporate name of said town shall be "City of Saluda," and the administration and government of said city of Saluda in the county of Polk and State of North Carolina shall be vested in one principal office styled the mayor, and four commissioners. Corporate name. City officers.

Sec. 2. That the present mayor and board of commissioners of said city of Saluda shall continue to serve as such officers until the first Monday in May, one thousand nine hundred and thirteen, and thereafter until their successors are elected and qualified; and it shall be the duty of the mayor and commissioners to qualify as such officers within thirty days after they shall have been elected, and all other officers of said city shall qualify as soon as they conveniently can after their appointment. Service of present officers. Officers-elect to qualify.

Sec. 3. That there shall be an election called and held in said city of Saluda on the first Monday in May, one thousand nine hundred and thirteen, for the purpose of enabling the qualified voters of said city to elect a mayor and four commissioners to succeed the present mayor and present board of commissioners; and the said mayor and said four commissioners who shall be elected on the said first Monday in May, one thousand nine hundred and thirteen, shall hold their respective offices for a period of two years and until their successors are elected and qualified after the expiration of the said period. City election. Terms of officers.

Sec. 4. That an election shall be called by the board of commissioners of said city of Saluda and held every two years, on the first Monday in May in each election year, the same to be Biennial elections.

reckoned from the first Monday in May, one thousand nine hundred and thirteen, for the purpose of electing a mayor and four commissioners of the said city of Saluda. Said elections shall be held under and in accordance with the general law of the State governing the holding of elections for the choosing of municipal officers in the various towns and cities of North Carolina; and all special elections held in said city of Saluda, hereafter, for any purpose, shall be held under and in accordance with the same law.

Law governing elections.

Special elections.

Corporate limits.

Sec. 5. That the corporate limits of said city of Saluda shall be and remain the same as they have been since one thousand nine hundred and three, that is, they shall embrace all the territory within one and one-fourth miles square, with a point exactly in the middle of the lot upon which the old depot of the Southern Railway Company stood in one thousand nine hundred and three, as the center thereof.

Election of mayor to fill vacancy.

Sec. 6. That in case of a vacancy in the office of mayor, the board of commissioners of said city may fill the same by electing a suitable man residing within the corporate limits of said city.

Mayor to preside.

Voting power.

Mayor pro tempore.

Sec. 7. That the mayor shall, when present, preside at all meetings of the board of commissioners of said city, but shall have no vote on any matter coming before said board, except in case of a tie vote; and in his absence from the meetings of said board, the said board of commissioners shall appoint one of their number to serve as mayor *pro tempore*, and the commissioner so appointed shall perform all the duties of the mayor: *Provided*, that the commissioner who may be elected mayor *pro tempore* shall have the right to vote as commissioner on any matter coming properly before the board, and in case of a tie he shall, as mayor, cast the deciding vote.

Proviso: vote of mayor pro tempore.

Election of commissioner to fill vacancy.

Sec. 8. That in case of a vacancy in the office of commissioner, from death, resignation, or other cause, the remaining members of the board shall fill such vacancy by appointing some competent man residing within the corporate limits of said city to such position: *Provided*, that if, on account of their manner of voting, said remaining members of said board should fail to fill any vacancy occurring in the office of commissioner, the mayor shall have the right to vote for any man whose name is before the board to fill such position, and the man who, in such case, receives the vote of the mayor and one commissioner shall be declared elected to fill such vacancy.

Proviso: vote of mayor.

Right to sue and be sued.

Sec. 9. That said city is hereby authorized and empowered to sue and be sued in its corporate name, namely, "City of Saluda."

Power to acquire and deal with property.

Sec. 10. That the board of commissioners of said city shall have and they are hereby given the right and power to acquire, from time to time, by purchase or otherwise, in the corporate name of said city, all real, personal, and mixed property necessary for the actual and legitimate needs of said municipality; and said board of commissioners shall have and are hereby given the power to

sell, mortgage, exchange, or otherwise dispose of, any real, personal, or mixed property belonging to said city, at any time, when by a two-thirds vote of all the members of said board of commissioners such sale or other disposition of such property shall be determined to be for the best interests of said city, and all bills of sale, mortgages, deeds in trust, and deeds of conveyances passing title to any property belonging to said city which may at any time be sold, mortgaged, or otherwise disposed of, shall be executed only upon order of the board of commissioners, in the corporate name of said city, by the mayor, and the secretary of said board shall attest the same, and all papers executed in the name of said city shall bear the impression of the corporate seal thereof; and all certificates of acknowledgment or proof of the execution of the paper-writings above enumerated shall be in the same form or substantially in the same form as certificates of acknowledgment or proof of the execution of deeds or similar conveyances made by corporations, and shall be taken in the same manner as certificates to deeds and other papers made by corporations are taken.

Execution of deeds.

Probates.

Sec. 11. That the board of commissioners of said city shall, for the purpose of opening, establishing, building, widening, changing, and improving streets and alleys in said city, and for the purpose also of constructing waterworks and a sewerage system for said city, and for the purpose also of extending, enlarging, improving, and keeping in repair any waterworks or sewerage system, or either of them, which is now owned and operated by said city, and for the purpose also of establishing public parks and erecting public buildings, have and are hereby given the right and power to enter upon the lands and premises of private persons, firms, or corporations, and condemn such lands, or so much thereof as in their judgment may be necessary for any or all of the purposes aforesaid; and to promote the best interests of said city, and to enable the said board of commissioners of said city to construct, equip, and maintain a good waterworks and a good sewerage system for said city, the said board of commissioners shall have and are hereby given the right to enter upon and condemn such lands as may be necessary for the said purposes in this section above enumerated and authorized, within the corporate limits of said city, and outside of said city within a radius of five miles of said corporate limits; and the said board of commissioners of said city shall pay the owner or owners of such land as shall be condemned under the provisions of this section such damages as they may sustain by reason of such condemnation; and if the said board of commissioners and the owner or owners of lands condemned cannot agree upon the amount of damages which should be paid for lands condemned, the same shall be fixed by three citizens who shall be qualified to act as jurors, one to be chosen by said board of commissioners, one by the owners of the

Purposes for which land may be condemned.

Power to condemn land.

Payment for land.

Procedure for assessment.

lands condemned, and the third by the two so chosen. The said three men so selected may view the lands condemned, if they desire to do so, and shall hear any evidence which either the board of commissioners or the owner or owners of the lands condemned may desire to offer as to the value thereof, and after they have heard the evidence they shall make up and file a report, under their hands and seals, with the mayor of said city, stating the amount of compensation or damages which they may find shall be paid by said city for lands condemned under the provisions of this section; and if either the board of commissioners or the owner or owners of the lands condemned shall not be satisfied with the award of said three referees, or any two of them, they may appeal therefrom, by giving the notices required by law in cases appealed from courts of justices of the peace, and by giving the usual bond of two hundred dollars for costs, to the next term of the Superior Court of Polk County, where the whole matter may be tried *de novo*, by the court and a jury; and if they desire to do so, either the board of commissioners of said city or the owners of the lands condemned may assign errors and appeal from the judgment rendered in the Superior Court to the Supreme Court under the same laws and rules governing appeals in other civil cases: *Provided*, that litigation about damages shall in no way interfere with, stay, or prevent the commissioners of said city from taking possession of and using the lands condemned under the provisions of this section, at any time they shall desire to do so.

Right of appeal.

Proviso: appeal not to delay action.

Street work in preparation for permanent improvements.

Sec. 12. That the board of commissioners of said city shall have the right to anticipate the grading, guttering, macadamizing, paving, or construction with asphalt or similar material the streets of said city, and also the work of grading, guttering, curbing, and constructing sidewalks in said city, out of brick, cement, concrete, or similar materials; and with such work in view or contemplated, the board of commissioners of said city may, from time to time, have such of the streets and sidewalks of said city as they may desire surveyed by a competent engineer, and graded according to such survey, and permanent grades established, and grade posts or monuments set, and plats made and recorded of said streets and sidewalks, so that the authorities of said city, and especially the abutting property-owners, may plan for the permanent building, in the future, of streets, sidewalks, and buildings.

Construction of sidewalks by owners of lots.

Sec. 13. That whenever any street in said city, including the sidewalks, shall have been graded in whole or in part according to grades established by a competent engineer under the direction of the board of commissioners, it shall be incumbent upon the owner or owners of real property abutting on the street so graded to construct that portion of the sidewalk on his or their side of the street respectively, upon which the property of such owner or

owners abuts, the full width across their respective fronts, with such materials and in such manner as the board of commissioners of said city may specify and direct. Whenever any street in said city shall have been graded in the manner aforesaid, the board of commissioners of said city shall, through their secretary, notify the owner or owners of lands abutting thereon to at once construct the sidewalks upon the same, in front of their respective properties, out of such materials as the board of commissioners may specify, and in the manner said board may direct, as hereinbefore provided; and should such abutting property-owner or owners fail or refuse, for a period of thirty days after they have been served with such notice, to comply therewith by constructing said sidewalks, then said board of commissioners shall, unless further time be granted to said abutting property-owners in which to construct said sidewalks, proceed to construct, or cause to be constructed, said sidewalks, and charge the cost thereof against such abutting property-owners, respectively, and cause said charges to be entered by the clerk of said board in a book to be kept by him for that purpose; and the said clerk shall immediately place in the hands of the tax collector of said city statements showing the amount each abutting property-owner is charged with on account of the construction by the commissioners of said city of said sidewalks, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as the taxes of said city are collected and accounted for: *Provided*, that where the said board of commissioners do not macadamize, pave, or lay with asphalt or other similar material the entire width of the street, or the entire width of the part thereof which shall have been graded in the manner aforesaid, then and in that case the said board of commissioners shall construct the sidewalks thereon out of such materials and in such manner as they may deem proper, and charge one-third the cost of constructing such sidewalks to the owner or owners of property abutting on said sidewalks so constructed, and shall cause their clerk to enter the amount charged to each abutting property-owner in a book to be kept by him for that purpose; and the said clerk shall immediately place in the hands of the tax collector of said city a statement showing the amount each abutting property-owner is due said city on account of the construction of said sidewalks by said board of commissioners; and it shall be the duty of said tax collector to forthwith collect and account for the same in the same manner that taxes are collected and accounted for, and the amounts charged against abutting property-owners, under and by virtue of the provisions of this section, shall, from the commencement of the work of constructing said sidewalks, be and constitute a lien or liens on the respective lots of abutting property-owners against whom said amounts are so charged; and if any of said amounts are not paid within fifteen days after demand is made for pay-

Notice to owners.

Work done by city at expense of owners.

Collection.

Proviso: sidewalk improvement when streets are not paved.

Lien on lots from commencement of work.

Collection.

ment thereof, so much of the lot or lots of the owner or owners who fail to pay as aforesaid as may be necessary to pay the amount which is charged to the owner or owners of such abutting property shall be advertised and sold by the tax collector of said city for cash with which to pay off and discharge the full amount of the assessment or assessments, default in the payment of which has been made, said sales to be made under the same laws, rules, and regulations, with the same rights of redemption and in the same manner as is prescribed for the sale of real estate for unpaid taxes; and said tax collector shall make deeds to purchasers of property so sold by him in like manner as tax collectors make deeds to property sold for the nonpayment of taxes: *Provided*, that said board of commissioners may, in their discretion, divide the amount charged against any abutting property-owner or owners, under and by virtue of the provisions of this section, into three equal annual installments, and permit the same to be paid in like manner, during the three years immediately following the commencement of the work of constructing said sidewalks, said installments to draw interest at the rate of six per centum per annum from the date of the commencement of such work; and said board of commissioners shall have the right to do any and all of the work which they are authorized to do by this act or by any other law, by contract or otherwise, as they may, in their discretion, determine is for the best interest of said city.

Deeds to purchasers.

Proviso: payments by installments.

Waterworks and sewer system.

Sec. 14. That the board of commissioners shall have and they are hereby given the power to lay, from time to time, water and sewer pipes, and construct waterworks and sewerage systems for the use of the inhabitants of said city, and to extend such waterworks and sewerage systems to the extent and in the manner that they may deem proper, and said board of commissioners shall keep, or cause to be kept, the said waterworks and sewerage systems in good condition and repair, with the proper connections, and shall control and manage said waterworks and sewerage systems, and every part thereof, in the manner that they shall deem proper, and shall have the power and authority to require the owner or owners of any improved lot in said city to connect such lot and the buildings thereon, by means of pipes, with the water and sewer lines of said city, in the manner and at the places designated by said board of commissioners, to the end that the sewerage from such lots and buildings thereon may pass off through said city's sewerage system: *Provided*, that if the said city shall not have a sewer line within five hundred feet of such improved lot, the owner of such lot shall not be compelled to connect with said city's sewerage system. The board of commissioners of said city shall give, through their secretary, thirty days notice to each and every property-owner in said city who shall be required to connect with the sewerage system of said city; and upon failure or refusal of such property-owner or owners to make

Compulsory connections.

Proviso: extent of requirements.

Notice for connection.

Connection made by city at cost of owner.

such connection within the time specified in said notice, said board of commissioners may, either in person or through employees, enter upon the lot and premises of the property-owner or owners failing or refusing to comply with the terms of said notice, and make such connections, and charge the cost thereof to such property-owner or owners, in the same manner as is hereinbefore provided in the matter of the construction of sidewalks, and such costs so charged shall constitute a lien upon the lot and property of the owner or owners who shall refuse or fail to connect as aforesaid, and the tax collector of said city shall collect the same in the same manner as is hereinbefore provided for the collection of unpaid sidewalk assessments.

Charge a lien on lot.

Sec. 15. That the board of commissioners of said city shall have, and they are hereby given the right and power to purchase or construct an electric light and power plant, and to own and operate the same for the purpose of furnishing the inhabitants of said city with light, heat, and power: *Provided*, said board of commissioners may furnish lights and power to individuals, firms, or corporations not residing in said city, when in the judgment of such board it would be wise to do so: *Provided further*, that instead of manufacturing their own electricity, at a plant owned and operated by said city, for the purposes aforesaid, said board of commissioners may purchase same from some electric light and power company, and distribute, sell, and use same in the same manner and to the same extent as if they manufactured said product themselves: *Provided*, that when it shall be necessary for them to do so, said board of commissioners shall have the right and power, for the purpose of enabling them to procure rights of way upon which to erect their poles and string their wires and cables in the construction and maintenance of an electric light and power plant, or for the purpose of erecting poles, stringing wires, laying cables, and maintaining same for the purpose of distributing, selling, and using electricity which they may purchase, to enter upon and condemn lands actually necessary to furnish them with rights of way for said purposes; said lands for said purposes to be condemned in the same manner, with the same rights to the parties, as is provided in section eleven of this act for the condemnation of lands for streets and other purposes mentioned in said section.

Light and power plant.

Proviso: furnishing light and power.

Proviso: purchase of light and power.

Proviso: power to condemn land.

Procedure for condemnation.

Sec. 16. That the board of commissioners of said city shall have, and they are hereby given the power and authority to purchase or construct and maintain a telephone system in said city, and to furnish the citizens thereof with telephones and telephone service, at such prices and to such extent and upon the terms and in the manner which, in their judgment, may be for the best interests of said city: *Provided*, that when it may be necessary for them to do so, said board of commissioners shall have the right and power, for the purpose of enabling them to procure rights of way upon which to erect their poles, string their wires, lay their cables,

Telephone system.

Telephone service.

Proviso: power to condemn land.

and maintain same in the construction and keeping in repair such telephone system, to go upon and condemn lands actually necessary to furnish the rights of way for said purposes; said lands for said rights of way to be condemned in the same manner, with the same rights to the parties, as is provided in section eleven of this act for the condemnation of lands for street and other purposes mentioned in said section.

Procedure for condemnation of land.

Power to borrow money.

Sec. 17. That said board of commissioners of said city shall have, and they are hereby given the power and authority to, at any time, and from time to time, borrow money upon the notes or bonds of said city, for the purpose of paying off and discharging any floating indebtedness which may have been or may hereafter be necessarily incurred in the carrying on of the affairs of said city, and for the further purpose of making any or all of the improvements authorized by this act and the general law of the State applicable to cities and towns, and for the purpose also of purchasing, constructing, equipping, and extending from time to time, to such extent and in such manner as said board of commissioners may deem proper, any or all of the public improvements, businesses, and enterprises authorized by this act; and said board of commissioners shall have the right to borrow said money upon such notes or bonds, without being authorized so to do by a vote of the people of said city, except where they propose to borrow money and thereby create a debt which they would be prohibited from creating by section seven of article seven of the Constitution of North Carolina, without a vote of the people. If, however, said board of commissioners shall desire, at any time, to borrow money and create a debt which the said section of said Constitution requires shall be approved by a vote of the people of said city, said board of commissioners are hereby authorized to call and hold a special election for the purpose of giving the qualified electors of said city an opportunity to vote their approval or disapproval of the proposition to borrow money and create such a debt; and if a majority of the qualified voters of said city shall vote approvingly of said proposition, said board of commissioners shall be authorized to borrow the amount of money proposed, for the purpose for which they desire to borrow same, which purpose shall be made known to the electors of said city, so as to enable them to vote intelligently on such proposition: *Provided*, that elections to authorize said board of commissioners to borrow money and issue the notes or bonds of said city for any one or more special purposes shall not be held for the purpose of permitting the voters of said city to vote on the same proposition oftener than once a year; and when said board of commissioners shall borrow any money, which they are authorized by this section to borrow, they shall have the power and authority to pledge the faith and credit of said city for the payment of the same and the interest thereon, both the principal and interest, to be evidenced

Right to borrow without vote.

Special elections when required.

Proviso: limit of elections.

Pledge of faith and credit of city.

by notes or bonds of said city, which shall be executed in the corporate name thereof, by the mayor, and attested by the secretary of said board, and shall have impressed thereon the corporate seal of said city: *Provided*, that no notes or bonds of said city shall be sold for less than par, nor at a greater rate of interest than six per centum per annum, unless the qualified voters of said city, by a majority vote, or the board of commissioners by a two-thirds vote, shall determine otherwise: *Provided further*, that said board of commissioners shall always provide for the payment of the principal and interest at maturity of any notes or bonds which they may from time to time issue and sell, by levying and collecting on the subjects of taxaton and the taxable property of said city a sufficient amount of taxes for said purposes, said levy to be made at the time and in the manner that levies for general purposes are made.

Execution of evidences of debt.

Sale of notes or bonds below par forbidden.

Limit of interest rate.

Proviso: provision for payment.

Sec. 18. That the board of commissioners of said city shall have power to regulate, control, and protect in such manner and to such extent as to them may seem proper, the alleys, streets, sidewalks, public parks, market places of all sorts, waterworks, sewerage systems, cemeteries, and all other properties, real or personal, belonging to said city within the limits thereof, and beyond such limits, and shall have the right and power to pass and enforce laws and ordinances, rules and regulations, from time to time, for the purpose of protecting the said streets, alleys, waterworks and sewerage systems, and all other property belonging to or controlled by said city.

Protection of streets and public works.

Sec. 19. The board of commissioners of said city may appoint a chief of police of said city, and also a tax collector, city attorney, and all such other officers and agents as may be necessary to enforce the ordinances, rules and regulations, and conduct the affairs of said city; and said board of commissioners shall have the right to determine the amount of salaries which shall be paid such officers and agents, and also the salary of the mayor, and may administer oaths of office to the various officials of said city, and require bonds from them, to the State, in proper penalties for the faithful performance of their respective duties.

Officers and agents appointed by commissioners.

Salaries.

Oaths of office and bonds.

Sec. 20. The board of commissioners of said city shall have and they are hereby given the power to annually levy and cause to be collected, for municipal purposes, a tax not exceeding one dollar on the one hundred dollars worth of property within the corporate limits of said city, which may be liable to taxation for State and county purposes, and such amount on each poll as may be allowed by law; and said board of commissioners may annually lay a special or privilege tax on all trades, professions, franchises, and businesses carried on or enjoyed within the corporate limits of said city, unless otherwise provided by law, and may lay a tax on all such shows and exhibitions for reward as are or may be taxed by the General Assembly of North Carolina, and on all

Property and poll tax.

License taxes.

dogs, swine, horses, cattle, and other live stock running at large within the corporate limits of said city, and upon all druggists and other persons who shall be engaged in, or shall hereafter engage in, the legal sale of spirituous, vinous, or malt liquors, or other intoxicating beverages in said city.

Ordinances for enforcing payment of license taxes.

Sec. 21. That for the purpose of enforcing the payment of any and all special or privilege taxes, which said board of commissioners may from time to time lawfully lay or levy, said board shall have the power to pass and enforce ordinances making it a misdemeanor for any person or persons, firm or corporation, to fail to comply with the laws and regulations of said city in regard to the manner and time of paying such special or privilege taxes.

Fines and penalties for violation of ordinances.

Sec. 22. That for the violation of any law or ordinance enacted by the board of commissioners of said city in accordance with law, said board shall have the right to prescribe fines and penalties which may be imposed upon persons who may be guilty of violating such laws or ordinances: *Provided*, such fines or penalties shall not exceed the sum of fifty dollars or imprisonment for a term not exceeding thirty days for each and every violation of such laws and ordinances, said fines to be recovered by warrant before the mayor; and when any person or persons shall be convicted upon a charge of violating any law or ordinance of said city, the person or persons so convicted may, unless the fine and costs imposed shall be settled at once, be immediately committed to the calaboose or city jail for a term of thirty days, to be worked upon the streets or other public property of said city under the direction and supervision of the authorities thereof, in accordance with such reasonable rules and regulations as said board of commissioners may provide for the working of such persons: *Provided*, that said board of commissioners shall have the right, in their discretion, to hire out, for such compensation as they may require, persons who may be found guilty of violating the ordinances of said city, when such person shall not be able to pay the fine and costs imposed for the violation of such ordinances.

Street work for fines and costs.

Proviso: power to hire out convicts.

Ordinances regulating police powers.

Sec. 22½. That the board of commissioners of said city shall have and are hereby given the authority to pass orders, adopt resolutions, or enact ordinances authorizing the policemen of said city to arrest without warrant persons who may violate the laws and ordinances of said city in the presence of such police officers; and it shall be the duty of said policemen to take the persons so arrested immediately before the mayor, to be dealt with as the law directs. Any duly elected or appointed police officer of said city shall, when he deems it necessary, have the right to call or summon any bystander to assist him in making any legal arrest, and any person so summoned by such police officer who shall, without just cause, fail or refuse to assist in making any such legal arrest, shall upon conviction by the mayor be punished as the ordinances of said city may provide.

Trial before mayor.

Power to summon posse.

Ordinances regulating keeping of hogs.

Sec. 23. That the board of commissioners of said city shall have power to pass or enact laws and ordinances specifying in what portions of said city hogs shall be kept, and the kind and size of the pens or lots they shall be kept in, and the condition in which such pens or lots shall be kept; and said board of commissioners shall also have the right to pass laws and ordinances prescribing the manner in which dogs shall be kept in said city, and to prevent the running at large on the streets thereof of all domestic animals and fowls to the extent and in such manner as said board may deem proper.

Ordinances concerning keeping of dogs.

Animals and fowls running at large.

Appointment and duties of tax lister.

Sec. 24. That the board of commissioners of said city shall appoint in the month of April of each year a tax lister whose duties it shall be to notify all persons owning property in said city, and all persons and corporations required by law to pay taxes in said city, to appear at the office of such tax lister, between the fifteenth day of May and the fifteenth day of June in each year, and return under oath a true and accurate list of his, her, or their taxable property in said city, or which may be liable for taxes therein, at its true cash value; and all persons liable for the payment of a poll tax in said city shall list same at the said time and place: *Provided*, that it shall be sufficient notice to taxpayers, if said tax lister shall post at the office of the mayor of said city, and at four other public places therein, a ten-day notice stating the time and place when and where he will list the taxes of such taxpayers; and said tax lister shall make and return to the said board of commissioners an alphabetical list of the taxpayers of said city, together with a classified schedule of all the taxable property and polls of such taxpayers, on or before such date as may be designated by said board of commissioners. Upon the filing of said list and schedules, said board of commissioners shall examine same and make such corrections in or revisions thereof as they may desire to make, and shall then cause the said tax lister or other competent person to make up a book or list showing the property listed by each person, firm, or corporation, and the amount of taxes each taxpayer is liable for. And when such tax book or list shall have been made up complete, same shall be placed in the hands of the tax collector of said city, for collection, by not later than the first Monday in September of each year, accompanied by a warrant or order to said tax collector, from said board of commissioners, signed by the mayor and attested by the secretary of said board, which book or list and said warrant or order shall be returnable on a day certain, not later than the first day of February in each year; and said tax list and warrant or order shall have the force of a judgment and execution for the taxes in said book or list stated: *Provided, however*, that said tax list shall not, in any year, be delivered to such tax collector until he shall have settled for all the taxes due on the list for the preceding year, provided the list was in his hands for

Proviso: notice for tax listing.

Return of tax lists.

Revision of list.

Tax books.

Delivery of list to tax collector.

Order for collection.

Warrant to have force of judgment.

Proviso: settlement for prior years.

Bond of tax collector.

such year, and not until he shall have filed with said board of commissioners a good and sufficient justified bond in an amount not less than the sum total of the said tax list, which bond shall always be approved by said board of commissioners and be spread of record in the minutes of said board.

Collection by distress.

Sec. 25. That the tax collector shall enforce the collection of taxes due said city by levying upon personal property, if any can be found, and if none can be found, then upon the real property

Sales for taxes.

of the delinquent taxpayers within said city; and after he shall have advertised the personal property for ten days and the real property for thirty days, by posting notices at the office of the mayor and four other public places in said city, or for the same time in some weekly newspaper published in either Polk or Henderson County, he shall sell said property, or so much thereof as may be necessary to satisfy the taxes for which same is being sold and all costs incident to such sale; said sales to be made by public auction at the front door of the mayor's office in said city; and for all real property so sold the tax collector shall pass to the purchaser a receipt for the purchase money, and file with the secretary of the board of commissioners a true return of his proceedings: *Provided*, that if the delinquent taxpayer whose real estate is so sold, or his agent, shall desire to redeem the said real estate, he shall be permitted to do so, only upon his paying to the secretary of said board, within twelve months from the date of sale, the amount for which such real estate was sold, including costs, plus twenty-five per centum on such amount. Upon the payment of such sums such taxpayer shall be restored to his original rights with respect to the property so sold; but upon failure of any delinquent taxpayer to so redeem his real estate so sold, the tax collector shall make deed to the purchaser, and such deed shall be sufficient to pass all the rights, title, and interest the delinquent taxpayer has in and to the real estate so sold. The said tax collector shall, by survey or otherwise, definitely designate what part of the real estate of any and all delinquents he so sold, when less than the whole lot or tract of such delinquent or delinquents was sold.

Proviso: right of redemption.

Deed to purchaser in default of redemption.

Survey of real estate.

Limit of indebtedness.

Sec. 26. That the board of commissioners of said city shall not contract any debt, pledge the faith, or loan the credit of said city for the construction of railroads, the support or maintenance of internal improvements, or for any special purpose whatsoever, to an extent exceeding in the aggregate ten per centum of the assessed valuation of the real and personal property situated in said city; and the levy of any tax to pay any such indebtedness in excess of this limitation shall be void and of no effect.

Tax levy void.

Sanitary regulations.

Sec. 27. That the board of commissioners of said city shall have power to cause alleys, lots, cellars, privies, stables, and other places of like character to be kept in a cleanly and sanitary condition, and shall have the right to go upon the premises, either in

person or through employees, of individuals, firms or corporations, for the purpose of doing the work necessary to keep said places in a cleanly and sanitary condition, where the owner or owners of such places refuse or neglect to keep them in such cleanly and sanitary condition.

Contracts for lights.

Sec. 28. That said board of commissioners, in case they do not desire that said city shall own and operate its own electric light and power plant, as hereinbefore provided for, shall have the right to enter into a contract with individuals, firms, or corporations to furnish the said city with electric lights for a definite period of time, upon definite terms, for a period of time not exceeding five years, and said contract, when reduced to writing and properly executed, shall be binding upon both parties thereto.

Powers of police to arrest on warrant.

Sec. 29. That any policeman or other duly appointed arresting officer of said city shall have and is hereby given the right and power to arrest, in any part of either the county of Henderson or the county of Polk, upon a warrant issued by the mayor, any person or persons who may be charged with violating the laws or ordinances of said city, and such persons so arrested shall be brought immediately before the mayor of said city and dealt with as the laws and ordinances of said city may prescribe.

Appropriation for advertising.

Sec. 30. That said board of commissioners of said city shall have and are hereby given the right and power to use such of the general funds of said city as they may, in their discretion, determine to be for the best interests of said city for advertising purposes, and to promote a desirable immigration to said city: *Provided*, said board shall not, in any year, expend for said purpose an amount exceeding the sum of two hundred dollars.

Proviso: limit of amount.

Provisions of general law.

Sec. 31. That said city shall have the benefit of all the provisions of the general law of the State applicable to incorporated cities and towns in North Carolina, where the same is not in conflict with the provisions of this act.

Sec. 32. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 192.

AN ACT TO ENABLE THE CITY OF GREENSBORO TO REFUND CERTAIN BONDS FALLING DUE JULY 1, 1913.

Preamble: bonds maturing in July.

Whereas the city of Greensboro has among its bonded debt outstanding certain bonds falling due July first, one thousand nine hundred and thirteen, to wit, Agricultural and Mechanical College bonds, eleven thousand dollars, authorized by an election held in said city on the first Monday in May, one thousand eight hundred

and ninety-three, and issued on the first day of July, one thousand eight hundred and ninety-three, bearing six per cent interest, and South Greensboro Graded School bonds, nine thousand dollars, authorized by an election held in said city on the first Monday in May, one thousand eight hundred and ninety-three, bearing interest at six per centum per annum; and whereas it may be desired by the board of commissioners of the city of Greensboro to refund said bonds at a lower rate of interest: Now, therefore,

Preamble: desire to refund.

The General Assembly of North Carolina do enact:

Refunding of bonds authorized.

Section 1. That the board of commissioners of the city of Greensboro be and are hereby fully authorized and empowered to refund certain bonds issued by the city of Greensboro on the first day of July, one thousand eight hundred and ninety-three, known as Agricultural and Mechanical College bonds, falling due July first, one thousand nine hundred and thirteen, bearing interest at the rate of six per cent per annum, of eleven thousand dollars, and certain bonds issued by the city of Greensboro on the first day of July, one thousand eight hundred and ninety-three, known as South Greensboro Graded School bonds, falling due July first, one thousand nine hundred and thirteen, bearing interest at the rate of six per cent per annum, of nine thousand dollars, by the issuance and sale of new bonds in an amount not to exceed twenty thousand dollars, in such denominations, for such time not to exceed thirty years, and upon such conditions as the board of commissioners of said city of Greensboro may decide; the interest on said refunding bonds to accrue annually or semiannually, and to be at such a rate, not exceeding five per cent, and payable at such place as said board of commissioners may determine.

Amount of new bonds.

Maturity.

Interest.

Procedure for issuance.

Sec. 2. The resolution authorizing the issue of the said bonds may be introduced and passed at any regular meeting of said board of commissioners by a majority of the commissioners present at such meeting. That no other or further proceedings shall be necessary for the issuance of said refunding bonds, and all bonds issued under and by authority of this act shall be valid and legal obligations of said city, notwithstanding any previous or present act, either general or special, limiting the amount of the bonded indebtedness of the city, or otherwise.

Special tax.

Sec. 3. That the board of commissioners of the city of Greensboro is hereby required and directed to levy and collect, in addition to all other taxes in said city, a tax upon all taxable property and polls in said city of Greensboro, sufficient to pay the interest on the said bonds as the same become due and also on or before the time when the principal of the said bonds shall become due to levy and collect a further special tax to pay off same, or provide for the payment thereof. The tax levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and property to be in proportion, as required by the Constitution of North Caro-

Tax ad valorem.

Constitutional equation.

lina. Said special tax shall be levied and collected at the same time as other taxes upon the property and polls in said city. Levy and collection.

Sec. 4. The said bonds shall not be sold for less than par, with accrued interest, and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied for the purpose of refunding the bonds hereinbefore mentioned; and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of said bonds, nor shall said bonds be subject to tax by said city for any purpose whatever, and the coupons, from and after maturity, shall be receivable in payment of any and all taxes or other indebtedness due the said city. Sale below par forbidden. Specific appropriation. Purchaser not responsible for application. Exempt from city tax. Coupons receivable for dues to city.

Sec. 5. The board of commissioners of the said city are further authorized and empowered to retire and pay off any part of said bonds falling due July first, nineteen hundred and thirteen, and issue bonds in accordance with this act under its provisions for the refunding of the balance, in their discretion. Retirement of bonds.

Sec. 6. All laws or parts of laws inconsistent with this act are hereby repealed so far as the same are inconsistent with this act.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 193.

AN ACT TO AUTHORIZE THE TOWN OF MARION TO ISSUE BONDS FOR IMPROVING AND ENLARGING THE GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of improving and enlarging the graded school building, the board of aldermen of the town of Marion are hereby authorized and empowered, and it shall be their duty, to submit to the qualified voters of said town a proposition to issue not more than twenty thousand dollars in coupon bonds of said town, said proposition to be submitted at a general or special election, whenever requested so to do by the Marion Graded School Committee. Notice of the said election shall be published in a newspaper published in said town for four weeks, and said notice posted at the courthouse door and four other public places in said town, said notices to be published and posted immediately preceding such election. Said notice shall contain the amount of bonds proposed to be issued, the rate of interest, the time at which the bonds are to become due, and the object to which the same is to be applied, and said proposition shall provide for the payment of the interest on the said bonds. The said Bond issue to be submitted to voters. Amount. Notice of election. Law governing elections.

election shall be held and conducted as other municipal elections as provided for in the charter of said town. That the vote on the said proposition shall be by ballot, which shall be written or printed, and those voting for the issue of the said bonds shall have written or printed on their ballots "For Better Graded School," and those voting against the proposition shall have written or printed on their ballots "Against Better Graded School." That if the proposition shall be adopted by a majority of the qualified voters of the said town, it shall be the duty of the board of aldermen of said town to cause bonds to be issued in the name of the said town of Marion in such denominations as they shall deem best, bearing interest at a rate not exceeding six per cent, and payable semiannually at such time and place as shall be designated in the proposition submitted. The bonds, when issued, shall be signed by the mayor of said town and countersigned by the secretary of the board of aldermen, and shall have the common seal of said town affixed thereto; that when said bonds are issued, the said board of aldermen shall turn them over to the graded school committee of said town for sale: *Provided*, that said bonds shall not be sold for less than their par value. It shall be the duty of the said board of aldermen, when the said bonds are issued, to provide by taxation on all of the subjects of taxation within the corporate limits of said town to meet the interest on said bonds and the principal as the same may become due.

Ballots.

Issue of bonds.

Denomination.

Interest.

Authentication.

Bonds turned over to school committee.

Proviso: sale below par forbidden.

Tax for interest and principal.

Maturity.

Sec. 2. That the said bonds shall run not less than ten years nor more than thirty years, the time to which said bonds shall run to be determined by the said graded school committee and certified to the said board of aldermen.

Further election.

Sec. 3. That when the proposition shall be submitted to the qualified voters of the said town, as hereinbefore provided, and a majority of the qualified voters of said town shall vote against the proposition, at any time after one year from the date of the said election, and when requested in writing by the said graded school committee, it shall be the duty of the said board of aldermen to submit, at a general or special election, again the question of the issue of said bonds to the qualified voters of the said town; and if the proposition shall then be approved by the majority of such qualified voters, then said board of aldermen shall issue said bonds as hereinbefore provided, and the said proposition may be submitted, at a general or special election, to the said qualified voters of the said town as often as the said graded school committee may desire, or until the proposition is indorsed by a majority of said qualified voters: *Provided*, that said board of aldermen of said town of Marion shall order a new registration of the voters of said town for any election held under provisions of this act.

Proviso: new registration.

Sec. 4. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 194.

AN ACT TO AMEND SECTION 1 OF CHAPTER 334 OF THE PRIVATE LAWS OF 1909, RELATIVE TO THE COWEE HIGH SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter three hundred and thirty-four of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out all after the word "purpose" in line seven of said section. Proviso stricken out.

Sec. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 195.

AN ACT TO AUTHORIZE THE CITY TAX COLLECTOR OF THE CORPORATION OF THE TOWN OF BELHAVEN TO COLLECT THE SPECIAL SCHOOL TAXES OF BELHAVEN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That section four of chapter three hundred and forty-nine of the Private Laws of North Carolina, session one thousand nine hundred and five, and section three of chapter ninety-three of the Private Laws of North Carolina, session one thousand nine hundred and nine, be and the same are hereby amended as follows: Wherever the words "county commissioners of Beaufort County" or "county of Beaufort" or "county commissioners" occur, the same shall be stricken out, and in lieu thereof shall be inserted "aldermen of the corporation of the town of Belhaven"; and wherever the word "sheriff" occurs in said sections in said chapters, the same shall be stricken out, and in lieu thereof shall be inserted "the city tax collector of the corporation of the town of Belhaven." Duties of county transferred to town. City tax collector.

Sec. 2. That the board of trustees of Belhaven Graded School of Belhaven, Beaufort County, North Carolina, shall regulate the Compensation of tax collector.

compensation of said city tax collector for his services for collecting the special school taxes for said graded school: *Provided*, his compensation shall not exceed two and one-half per cent of the amount of special taxes collected.

Proviso: limit.

Bond of tax collector.

Sec. 3. The said tax collector of the corporation of the town of Belhaven shall give a good and sufficient bond, payable to said corporation, in double the amount of any sum of the special school funds which he may have in his hands, and the said bond shall be increased from time to time as the occasion may require. The said bond shall be approved by the trustees of said graded school and the aldermen of the corporation of the town of Belhaven.

Approval of bond.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 196.

AN ACT TO AMEND CHAPTER 455 OF THE ACTS OF 1903, ESTABLISHING THE MORGANTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That section two (2) of chapter four hundred and fifty-five of the Public Laws of one thousand nine hundred and three be amended by adding at the end of said section the following: "That the said trustees may in their discretion, at any time when the four higher grades, that is to say, the high school grades, in said school are not filled by the pupils resident in said graded school district, allow the children of persons residing outside of said district to enter and be taught in such grades by paying therefor a reasonable tuition for such children, to be fixed by said trustees, which tuition shall be paid to the superintendent of said school and by him turned over to the treasurer of said school, to be accounted for by said treasurer as other funds belonging to said school and coming into his hands as such treasurer; and all persons who were not residents of and subject to taxation in said district on the first day of May preceding the session of any school year shall be deemed nonresidents of said district and the said trustees shall have the right, in like manner, to admit into all the grades of said school the children of such persons as have moved into said district after the first day of May in any school year with the intention of becoming residents and taxpayers therein and to charge for such children such reasonable tuition as they may fix until such time as said persons shall become residents and taxpayers in said district.

Nonresident pupils in higher grades.

Tuition.

Nonresidents defined.

Pupils coming into district after May 1st.

Sec. 2. That section five of chapter four hundred and fifty-five of the Public Laws of one thousand nine hundred and three, in so far as it requires the said trustee to elect a treasurer from among their own number, be and the same is hereby repealed. School treasurer.

Sec. 3. That section eight of chapter four hundred and fifty-five of the Public Laws of one thousand nine hundred and three be amended by striking out in lines ten, eleven, of said section the words, "commissioners of the town of Morganton," and inserting in lieu thereof the words, "trustees of the Morganton Graded School," and that said section be further amended by striking out in lines thirteen, fourteen, of said section the words, "mayor and board of commissioners of the town of Morganton," and inserting in lieu thereof the words, "board of trustees of the Morganton Graded School." Statements of treasurer. Audit of statement.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 197.

AN ACT DIRECTING THAT THE CENTRAL HIGH SCHOOL OF THE SYLVAN GRADED SCHOOL DISTRICT OF ALAMANCE COUNTY SHALL BE TAUGHT IN THE HAMMER MEMORIAL BUILDING, AND AUTHORIZING THE STATE BOARD OF EDUCATION TO MAKE LOAN TO THE COUNTY BOARD OF EDUCATION OF ALAMANCE COUNTY FROM STATE LOAN FUND FOR HAMMER MEMORIAL SCHOOL.

Whereas Isaac Hammer of the State of Kansas did on the tenth day of December, one thousand nine hundred and eleven, execute to J. S. Cox and others a deed to (640) six hundred and forty acres of land in Ford County in the State of Kansas, of the estimated value of thirty thousand dollars, the said deed bearing record in the office of Register of Deeds of Ford County in said State in Book forty-four, page ninety-five; whereas a contemporaneous deed to J. S. Cox and others, "trustees," stipulates that the land is given for the purpose of establishing a charitable institution for educational purposes in Sylvan School District in Alamance County, North Carolina, to be known as the Hammer Memorial School, with a proviso that the citizens of said Sylvan District must purchase a lot containing not less than three (3) acres and erect thereon a schoolhouse, within thirteen (13) months from the date of the execution of said first deed, all of which appears in said trust deed, which is duly recorded in the office of the Register of Deeds of Alamance County in Book forty-five, pages three hundred and forty-two to three hundred and Preamble: execution of deed. Preamble: land given for establishment of charitable institution for educational purposes. Condition of gift.

Preamble: compliance with conditions.

Preamble: high school should be taught in building.

Preamble: agreements made and approved.

Preamble: building in accordance with agreement.

forty-five; and whereas the citizens of said district have complied with the conditions named and have erected a modern school building on the lot purchased, of the value of about seven thousand dollars ($7,000); and whereas, prior to the erection of said building, there was a meeting of the school committees of Sylvan Graded School District, and it was the sense of the meeting that the Central High School of Sylvan Graded School District should be taught in the building which it was proposed to erect in compliance with the terms of said deed of trust; and whereas a written agreement to that effect was then and there signed by the county board of education of Alamance County, by a majority of the trustees of the Sylvan Graded School District, a majority of the trustees of the high school, and a majority of the trustees of the Hammer Memorial Fund, all of which was approved by the State Superintendent of Public Instruction and the Superintendent of Public Instruction of Alamance County, both of whom were present at said meeting; and whereas the said building was thereafter erected in pursuance of the agreement then entered into: Now, therefore,

The General Assembly of North Carolina do enact:

Central high school to be taught in Memorial school building.

Section 1. That the Central High School for the said Sylvan Graded School District of Alamance County shall, after the first day of June, one thousand nine hundred and thirteen, be taught in the said Hammer Memorial School building.

Loan to county board of education.

Use of loan.

Limit of loan.

Appropriation from county building fund.

Sec. 2. The State Board of Education is hereby authorized to lend to the county board of education of Alamance County from the State loan fund for building and improving public schoolhouses, for the Sylvan Graded School District, to be used for paying the balance of the cost of erecting and completing the said Hammer Memorial School building, a sum not to exceed thirty-five hundred dollars ($3,500), and the county board of education of Alamance County is hereby authorized to appropriate out of the building fund of said county for the payment of said balance such sum as it may deem equitable.

Management of elementary schools.

Location.

Management of high school.

Management of industrial, agricultural, domestic science, and household economics.

Sec. 3. That the management of the public elementary schools of the said Sylvan Graded School District shall be vested in the Sylvan Graded School board of trustees, said elementary schools to be located in accordance with the agreement entered into by the various school boards at a meeting held in Sylvan Graded Schoolhouse on the twenty-first day of March, one thousand nine hundred and twelve, and the management of the high school in said district shall be vested in the Sylvan High School Committee, and the management and direction of the industrial, agricultural, domestic science, and household economics work shall be vested in the board of trustees of the Hammer Memorial Fund, who shall make adequate provisions in accordance with the courses of instruction to be approved by the Superintendent of Public Instruction of the State.

Sec. 4. Chapter three hundred and five, Private Laws of one thousand nine hundred and eleven, and all other laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 5. This act shall take effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 198.

AN ACT TO VALIDATE THE PROBATE OF THE WILL OF MARIA NIXON IN BURKE, McDOWELL, AND YANCEY COUNTIES.

Whereas Maria Nixon, then a resident of the State of Pennsylvania, executed her last will and testament on April nineteenth, one thousand eight hundred and fifty-two, by which she devised lands situated in this State, in the counties of Burke, McDowell, and Yancey; and whereas there were no subscribing witnesses to said will, nor does it sufficiently appear that the same was a holograph will; and whereas said will was admitted to probate in the State of Pennsylvania upon the oath and examination of witnesses as to the handwriting and signature of said testatrix, on October twenty-second, one thousand eight hundred and fifty-two; and whereas duly certified copies of said will and the probate thereof in the State of Pennsylvania have been brought to this State and admitted to probate and record in said counties of Burke, McDowell, and Yancey, and it does not appear that any caveat was ever filed or objection made to said will or the probate thereof, in Pennsylvania, nor that any objection has ever been made in this State to the filings, probates, and records of said certified copies of said will and the probate thereof: Now, therefore,

Preamble: execution of will.

Preamble: doubtful sufficiency.

Preamble: probate in State of residence.

Preamble: copies of will and probate admitted to probate and record.

No caveat or objection.

The General Assembly of North Carolina do enact:

Section 1. That the will of Maria Nixon, late of the State of Pennsylvania, dated April nineteenth, one thousand eight hundred and fifty-two, and admitted to probate in said State of Pennsylvania on October twenty-second, one thousand eight hundred and fifty-two, executed by said Maria Nixon without subscribing witnesses, and certified copies of which have been admitted to probate and record in the counties of Burke, McDowell, and Yancey, shall be held and considered, and is hereby declared to be good and valid for the purpose of passing title to the lands devised by said will, which are situated in this State, as fully and completely as if the execution of said will by said Maria Nixon had been duly attested by two subscribing witnesses in accordance with the laws of this State.

Will declared good and valid.

Sec. 2. That the probates and records in the counties of Burke, McDowell, and Yancey of certified copies from the State of Penn-

Probates and records declared good and valid.

sylvania of said will of Maria Nixon, and the probates thereof, shall be held and considered, and the same are hereby declared to be, good and valid for the purpose of passing title to the lands devised by said will, situated in said counties, as fully and completely as if the original will of Maria Nixon had been duly executed and attested by subscribing witnesses and admitted to probate and recorded in this State in accordance with the laws of this State.

Pending suits and titles heretofore acquired not affected.

Sec. 3. This act shall not affect any suits pending in any courts of this State, nor have the effect to invalidate titles heretofore acquired on lands in this State by conveyances from the heirs at law of said Maria Nixon: and *Provided further*, that nothing in this act contained shall be construed or have the effect to deprive any person or persons, corporation or corporations, of any right or title or interest in any property of any kind whatever acquired or accrued at or before the ratification of this act, but such right or title or interest shall depend upon and be determined by the laws as they existed at and before the ratification of this act, and this act shall not operate to change the same in any respect or to any extent whatever, nor shall it in any way affect any conflicting claims or titles to any real estate in Yancey County.

Vested rights.

Conflicting claims and titles.

Sec. 4. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 199.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GASTONIA, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the city of Gastonia, in the county of Gaston, shall be and continue as they have been, a body corporate under the name and style of the city of Gastonia, and they shall have full power to make all by-laws, rules, regulations, and ordinances for the benefit and good government of said city, not inconsistent with the Constitution of the State of North Carolina or the United States; to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real and personal estate, and they are hereby invested with all the powers and rights necessary or belonging to or usually appertaining to municipal corporations.

Corporate name.

Corporate rights.

Mayor and aldermen continued in authority.

Sec. 2. That Thomas L. Craig, mayor; J. O. White, S. M. Morris, A. B. Elliott, C. L. Chandler, A. M. Dixon, J. H. Separk, and J. O. Rankin, now constituting the mayor and board of aldermen of the city of Gastonia, shall continue to hold their office until an election shall be held as hereinafter provided for, and shall constitute the

mayor and board of aldermen respectively of the city of Gastonia; that B. F. S. Austin, together with E. J. Rankin, S. Settlemyer, W. V. West, S. N. Boyce, D. E. McConnell, and J. P. Reid, now constituting the board of school commissioners of the city of Gastonia, shall continue to hold their office until an election shall be held as hereinafter provided for, and shall constitute the board of school commissioners of the city of Gastonia. School commissioners continued in authority.

Sec. 3. That the corporate limits of the city of Gastonia shall be as follows, to wit: Beginning at a stone three-fourths of a mile due north of the crossing of the Southern Railway tracks and the Carolina and Northwestern Railway tracks in the present city of Gastonia, running thence due east twenty-eight hundred and forty (2,840) feet to a stone; thence south sixty-six (66) degrees east twenty-nine hundred (2,900) feet to a stone; thence south fifty-three (53) east three hundred and ten (310) feet to a stone; thence south sixty-six (66) west six hundred (600) feet on a stone in the line of the present corporate limits; thence with the old line of the corporate limits south fifty-three hundred and sixty-four (5,364) feet to a stone; thence west thirty-eight hundred and twenty (3,820) feet to a stone; thence south thirteen hundred and twenty (1,320) feet to a stone; thence west twelve thousand and twenty (12,020) feet to a stone; thence north forty-four hundred and twenty (4,420) feet to a stone; thence north fifty-three (53) degrees thirty (30) minutes east sixty-six hundred (6,600) feet to a stone; thence east one (1) mile to the beginning. Corporate limits.

Sec. 4. That the said city shall be divided into seven wards, to be known as follows, to wit: "That portion of the city bounded on the north by the line of the corporate limits, on the east by the corporate limits, on the south by the Southern Railroad, on the west by Marietta Street and the extension of said Marietta Street to the corporate limits, shall be known as Ward Number One; that portion of the said city bounded on the north by the line of the corporate limits, on the east by Marietta Street and the extension of Marietta Street to the line of the corporate limits, on the south by the Southern Railroad, on the west by the line of the corporate limits, shall be known as Ward Number Two; that portion of the said city bounded on the north by the Southern Railroad, on the west by the line of the corporate limits, on the south by the corporate limits, on the east by the street just east of Settlemyer's store and MacKee Bradley's store and residence, and from the railroad crossing to the corporate limits, shall be known as Ward Number Three; that portion of the city bounded on the north by the Southern Railroad, on the east by the old limits of the city (chapter one hundred and forty-eight of the Private Laws of one thousand eight hundred and ninety-nine), and on the south by the corporate limits, on the west by the street east of Settlemyer's store and MacKee Bradley's store and residence, shall be known as Ward Number Four; that portion of the city bounded on Division into wards. Ward No. 1. Ward No. 2. Ward No. 3. Ward No. 4. Ward No. 5.

the north by the Southern Railroad, on the east by York Street, on the south by the line of the corporate limits, on the west by the old line of the corporate limits, shall be known as Ward Number Five; that portion of the city bounded on the north by the Southern Railroad, on the east by Oakland Street and the extension of Oakland Street to the corporate limits, on the south by the corporate limits, on the west by York Street and the extension of York Street, shall be known as Ward Number Six; that portion of the city bounded on the north by the Southern Railroad, on the east by the corporate limits, on the south by the line of the corporate limits, and on the west by Oakland Street, shall be known as Ward Number Seven."

Ward No. 6.

Ward No. 7.

City elections.

Sec. 5. That on the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, there shall be an election held as hereinafter provided for mayor and seven aldermen of the city of Gastonia, one alderman to reside in each ward, and seven school commissioners, one school commissioner to reside in each ward.

Residence of aldermen.

Voting places.

Sec. 6. That it shall be the duty of the board of aldermen to declare at what place or places elections shall be held in said city; and they shall give due notice of the establishment of said voting place or places by publication in some newspaper published in said city four weeks before the election or by posting such notices at three or more public places in said city. The board of aldermen shall at their first regular meeting in March, one thousand nine hundred and thirteen, and biennially thereafter, appoint a registrar for said election, and shall give notice of registration by causing publication to be made at three public places in said city of Gastonia, giving in said notice the name of said registrar and the place of registration. The board of aldermen shall furnish said registrar with registration books, and it shall be the duty of the registrar appointed by the year one thousand nine hundred and thirteen and thereafter, for four consecutive Saturdays next preceding the election, between the hours of seven A. M. and seven P. M., to open the registration books at such place or places as has been advertised as aforesaid, and to register therein the names of all persons applying for registration and entitled to register and vote, keeping the names of the white voters separate and apart from those of the colored voters: *Provided, however*, that the registrar, after said registration books have been opened and before the same are closed according to law, may in his discretion, register persons applying for registration and entitled to register and vote, at other times and places than the time and place mentioned in said advertisement or notice. Any person offering to register shall be required to take an oath that he is a citizen of North Carolina and has resided in the county ninety days and in the city of Gastonia thirty days; and if any person shall willfully swear falsely he shall be deemed guilty of a

Notice of establishment of voting places.

Registrar.

Notice of registration.

Registration books.

Registration.

Segregation of races.

Proviso: registration at other times and places.

Registration oath.

False swearing misdemeanor.

misdemeanor, and on conviction be sentenced to pay a fine of fifty dollars or imprisoned for thirty days in the county jail: *Provided, however*, that it shall not be required or necessary to have a new registration under this act, but the registration as now in force and effect, under the Private Laws of North Carolina of one thousand eight hundred and ninety-nine, chapter one hundred and forty-eight, or acts supplementary or amendatory thereof, or ordinances of said city in furtherance of said act, shall be in full force and operation, and such books may be revised so as to show an active list of electors previously registered and still residing in said city without requiring said electors to be registered anew; and such registration books shall on the fourth Saturday before the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, be opened for the registration of any elector entitled to registration whose names have not before been registered in said books or do not appear in the revised list: *Provided, however*, that the board of aldermen may at any time order a new registration. The said registrar and the two judges appointed as above set forth shall compose the judges or inspectors of election to open the polls, receive and deposit the ballots in the boxes provided for that purpose, and to superintend and have control of the voting.

Punishment.

Proviso: new registration not requisite.

Revisal of books.

Books open for registration.

Proviso: power to order new registration.

Election officers.

Sec. 7. That the registration books shall be closed on the Saturday before the first Monday in May of each election year at the hour of seven o'clock P. M., and after the same are closed no person shall be allowed to register, but the registrar shall on application before said books are closed register all persons not then qualified to vote who will become so qualified on or before the day of election. Immediately after said books are closed they shall be deposited in the office of the city clerk, and citizens desiring to do so may inspect them. The city clerk shall write in each of the said books the exact time when they were deposited with him, and the same shall not be taken from his office until the day of election. Any registrar failing to deposit his registration book with the said city clerk at the time prescribed shall receive no compensation for making said registration.

Close of registration.

Registration in anticipation of qualification.

Deposit and inspection of books.

Notation of time of deposit.

Registrar failing to deposit book to forfeit compensation.

Sec. 8. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day. No person whose name has not been duly registered shall be allowed to vote, and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, such person's ballot shall not be received. Ballots shall be on white paper and without device. The aldermen and mayor shall be voted for on one ballot, and every qualified elector shall be allowed to vote for all seven aldermen.

Hours of voting.

Persons not allowed to vote.

Challenges.

Ballots.

Sec. 9. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll list, which shall be signed by the judges of election, and the registration books, delivered to the city clerk for preservation.

Preservation of ballots.

Decision of ties.

Sec. 10. If among the persons voted for for mayor and aldermen there should be two or more having an equal number of votes, the judges of election shall decide the election between such persons.

Certificates of result.

As soon as the result of the election shall be determined, two certificates thereof shall be made, under the hands of the judges of election, setting forth in writing the number of votes each candidate received, one of which shall be delivered to the chief of police, who shall at once make proclamation thereof at the door of the city hall, and the other shall be delivered to the city clerk for preservation. The board of aldermen shall fill all vacancies occurring in their board or in the office of the mayor, by death, resignation, or otherwise.

Proclamation of result.

Copy for preservation.

Vacancies.

Mayor and aldermen to meet and qualify.

Sec. 11. That on the second day after the election the mayor and board of aldermen so elected shall meet at the city hall or some other place by them appointed, and shall then and there take an oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina, and to discharge the duties imposed upon them by virtue of their office as mayor and aldermen with fidelity and integrity and to the best of their ability, which oath shall be administered by a justice of the peace or by the former mayor.

Mayor to preside at meetings of aldermen.

Vote only in settlement of ties.

Sec. 12. That the mayor, when present, shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question or in the election of officers by the board he shall determine the matter by his vote. He shall vote in no other cases; and if he shall be absent, the board may appoint one of their number *pro tempore* to exercise his duties.

Mayor pro tempore.

One board.

Quorum.

Sec. 13. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting they shall fix stated days of meeting for the year, which shall be as often at least as once a month. Special meetings of the aldermen may also be held on the call of the mayor or a majority of the aldermen, and of every such meeting when called by the mayor all the aldermen shall be notified, and when called by a majority of the aldermen the mayor and such aldermen as shall not join in the call shall be notified.

Stated meetings.

Special meetings.

Legislative powers.

Sec. 14. That the board of aldermen when convened shall have power to make and provide such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary, not inconsistent with this act or with the laws of the land.

Enumeration of powers of aldermen.

Sec. 15. That among the powers hereby conferred on the board of aldermen, they may provide water, provide for macadamizing, repairing, and cleaning the streets, regulate markets, and take all proper means to prevent and extinguish fires; make regulations to cause the due observance of Sunday; appoint and regulate a police force to execute such precepts as the judge of the municipal court

or other persons may lawfully issue to them, to preserve the peace and order of the city, and to execute the ordinances thereof; to suppress and remove nuisances; preserve the health of the city from contagious or infectious diseases, and appoint and provide for the pay and prescribe the duties of all such officers as may be deemed necessary.

Police force. Sec. 16. That the board of aldermen shall have power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the city may require, who shall hold office during the term of the board appointing them and until their successors are appointed. The chief of police shall give bond in such sum as the board of aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all moneys that may come into his hands from fines, penalties, etc. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force. It shall be the duty of the chief of police to attend the municipal court each day and report any violation of laws or ordinances of the city, to collect, unless otherwise provided by law, all fines and penalties imposed and pay the same to the city treasurer; to execute the orders and judgments of the said court; to see that the laws and ordinances of the city are enforced, and to do such other things as may be required of him by the board. The chief of police and each member of the police force shall have the power and authority vested in sheriffs and constables for the preservation of the peace of the city, by suppressing disturbances and apprehending offenders; they shall execute all processes directed to them by the judge of the municipal court or other lawful authority, and in the execution thereof they shall have the same powers which sheriffs and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances.

Terms of office.

Bond of chief.

Supervision and control of force.

Reports for dereliction of duty.

To attend municipal court.

Reports of violations of law.

Collections.

Execution of orders and judgments.

Enforcement of law.

Powers of chief of police and policemen.

Execution of process.

Policemen to be sworn.

Salaries. Sec. 17. That the salary and compensation of the policemen shall be fixed by the board of aldermen, and they shall receive no other pay whatever for their services.

Emergency policemen. Sec. 18. That in time of exigency the mayor may appoint temporarily additional policemen for such time as may appear necessary.

Power of mayor to suspend policemen. Sec. 19. The mayor may at any time, upon charges being preferred, or upon finding said chief or any member of said police force guilty of misconduct, have the power to suspend such member from service until the board of aldermen shall convene and take action in the matter, and upon hearing proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension until the time of his restoration to service. Any violations of the regu-

Powers of aldermen.

Cause for dismissal.

Drunkenness on duty.

lations or orders of any superior shall be a good cause for dismissal, and the mayor may suspend the chief or any member of the police force, if found drunk while on duty.

Badges, arms, and uniforms.

General powers of police.

Sec. 20. The board of aldermen shall require the entire police force to wear badge and to be so armed and uniformed as to be readily recognized by the public as peace officers. And the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

Taxing power.

Sec. 21. That in order to raise a fund for the expenses incident to the proper government of the city of Gastonia, the board of aldermen of said city may annually levy and collect the following taxes:

Property tax.

I. On all real estate and personal property situated in the city, a tax not exceeding one and forty one-hundredths dollars ($1.40) on every hundred dollars value.

Poll tax.

II. On all taxable polls, a tax not exceeding two dollars on all residents in the city of Gastonia on the first day of May in each year, or who may have been so resident within sixty days next preceding that day, preserving the constitutional equation.

Constitutional equation.

Omnibus tax.

III. On every four-horse omnibus, a tax not exceeding fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars.

Drays and express wagons.

IV. On every dray or express wagon drawn by one or two horses, a tax not exceeding twenty-five dollars; if drawn by more than two horses, a tax not exceeding fifty dollars.

Vehicles.

V. On all carriages, buggies, sulkies, and other vehicles used in the city of Gastonia for the carriage of persons or for pleasure, a tax not exceeding fifteen dollars.

Dogs.

Proviso: discrimination of species and sex.

VI. On every dog, a tax not exceeding ten dollars: *Provided*, a discrimination may be made within this limit on the different species and sexes of dogs.

Dealers in cider.

VII. On all dealers in cider, a tax not exceeding one hundred dollars.

Peddlers.

VIII. On all itinerant merchants or peddlers selling or offering to sell in the city, a tax not exceeding fifty dollars.

Tables for games.

IX. On every bowling alley and billiard table, and every bagatelle table and every pool table, and every gambling contrivance, the object of which is gain and for the use of which a charge is made, a tax not exceeding two hundred dollars, reserving the right to remove it or them at any time as a nuisance.

Removal as nuisance.

Eating-houses, restaurants, and hucksters.

X. On all keepers of eating-houses or restaurants, fish or meat or vegetables or breadstuff or fruiters, a tax not exceeding one hundred dollars per year.

Circus tax.

XI. On every circus which shall exhibit within the city or within a mile thereof, a tax not exceeding two hundred dollars for each day, the tax to be paid before the exhibition, and if not, to be doubled.

XII. On every person or company exhibiting in the city or within a mile thereof stage or theatrical plays, sleight-of-hand performances, rope dancers, tumbling, wire dancing, or menageries, a tax not exceeding two hundred dollars for every day they exhibit. Stage and other plays.

XIII. Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the city, or in one mile thereof, a tax not exceeding fifty dollars, to be paid in advance. Artificial curiosities.

XIV. On each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not exceeding twenty dollars, to be paid before exhibiting. Other shows, concerts, and strolling musicians.

XV. On every goat or hog running at large in the city there may be levied a tax not exceeding ten dollars, and every goat or hog may be seized or impounded, and if the owner, on being notified, will not pay the tax, the animal shall be sold therefor, after three days notice at the city hall. Goats or hogs running at large.

XVI. Upon every horse or mule or bull going at large, a tax not exceeding ten dollars. Horses, mules, or bulls running at large.

XVII. On every life, accident, fire, or other insurance company, a tax not exceeding twenty-five dollars. Insurance companies.

XVIII. On every barber shop, a tax not exceeding twenty-five dollars. Barber shops.

XIX. On every shoe-shine outside of barber shops, a tax not exceeding ten dollars. Shoeblacks.

XX. On every dray for hire, a tax not exceeding twenty-five dollars. Drays.

XXI. On every photographer, a tax not exceeding twenty-five dollars. Photographers.

XXII. On every livery stable, a tax not exceeding fifty dollars. Livery stables.

XXIII. On every meat market, a tax not exceeding fifty dollars. Meat markets.

XXIV. On every trade stable, a tax not exceeding fifty dollars. Trade stables.

XXV. On every company, person, or manufacturer who shall engage in the selling of pianos or organs by sample, list, or otherwise, a tax not exceeding twenty-five dollars. Piano or organ sellers.

XXVI. On every individual, firm, or corporation engaged in the business of selling any one or more of the following articles or commodities, to wit, farm products, coffee, sugar, salt, meat, railroad stocks, and stocks and bonds of any kind for future purchase, sale, and delivery, commonly called futures, an annual tax of one thousand dollars. Brokers or dealers in futures.

XXVII. On every bill-poster, an annual tax not exceeding fifty dollars. Bill-posters.

XXVIII. On every private automobile operated in the city of Gastonia, for business or pleasure, a tax of ten dollars per annum. Automobiles.

XXIX. On every garage or place for storing, caring for, and repairing automobiles for profit or gain, a tax of twenty-five dollars per annum. Garages.

Penny arcades under any name.

XXX. On every place known as a penny arcade, or by any other name, where slot machines are operated by dropping coins in the slot, punch bags, weight machines, and other devices operated in connection with the others, a tax of twenty-five dollars per annum.

Railroads.

XXXI. On every steam railway operated in the city of Gastonia, a tax not exceeding five hundred dollars per annum.

Express offices.

XXXII. On every express office maintained and operated in the city of Gastonia, a tax not exceeding two hundred dollars per annum.

Telephone exchanges.

XXXIII. On every telephone exchange or office operated in the city of Gastonia, a tax not exceeding two hundred dollars per annum.

Telegraph offices.

XXXIV. On every telegraph office operated in the city of Gastonia, a tax not exceeding two hundred dollars per annum.

Sewing-machine agents or dealers.

XXXV. On every sewing-machine agency or dealer in sewing machines, a tax not exceeding one hundred dollars per annum.

Dealers in oil.

XXXVI. On every dealer in oil, a tax not exceeding one hundred dollars per annum.

Electric power companies.

XXXVII. On every electric power company, a tax not exceeding one hundred dollars per annum.

Other license taxes.

Sec. 22. The board of aldermen of the city of Gastonia, in addition to the powers of taxation heretofore granted, shall be and they are hereby empowered to levy and collect an annual privilege or license tax on all trades, professions, agencies, business operations, exhibitions, and manufactories in the said city, and shall have power to graduate any of the license taxes levied on trades, professions, or business by dividing the business into classes, according to size, patronage, and income: *Provided*, said taxes must be uniform for all in a class.

Graduation of tax.

Proviso: tax uniform in classes.

Doing business without license misdemeanor.

Sec. 23. That any person carrying on or practicing any business, profession, trade, or avocation of any kind in the city of Gastonia upon which a license tax has been levied by the said board of aldermen, without having first obtained a license therefor, shall be guilty of a misdemeanor.

Appointment of tax lister.

Sec. 24. That the board of aldermen shall at the first regular meeting in March, one thousand nine hundred and thirteen, and annually thereafter, appoint some competent person, who shall on the third Monday in April in each and every year make advertisement in some newspaper, notifying all persons residing in the city of Gastonia who own or have control of taxable property in the city on the first day of May, to return to him on or before the last day of May a list of their taxable property in said city; said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the list so returned shall be sworn to, and the person taking said list is hereby authorized to administer the following oath: "I, ..., do solemnly swear that the tax return made out and signed by me

Advertisement for listing taxes.

Lists to be sworn.

Form of oath.

contains a full and accurate list of the number of lots owned by me in said city, a full and accurate list of all personal property, of Gaston County bonds and a full and accurate list of all other stocks, bonds, income, solvent credits and other property subject to taxation under the laws of the State and ordinances of said city, according to my best knowledge, information, and belief: so help me, God." From the returns so made the person appointed as aforesaid to protect such tax return shall, within thirty days after the expiration of the time for taking such list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes, and the tax lister appointed as aforesaid shall copy in said book the assessment made by the county of said assessors of all property within the city limits, which assessment may be revised, corrected, or amended by the board of aldermen, but must at all times be the same in value as to property assessed as the State and county assessments: *Provided*, that the date or time of return of said list of taxable property for the city of Gastonia shall be and conform at all times to the laws of the State of North Carolina in respect to the date or time of return of taxable property for taxation for State and county purposes, and to that end shall change from time to time to conform to said State law; and the said notice or advertisement shall always be made agreeable to said change or changes, as far as applicable.

Tax lists.

Assessments from county lists.

Revision of assessment.

Proviso: general law to prevail.

Sec. 25. That if any person liable to taxes on subjects to be listed shall fail to pay them in the time prescribed for collection, the collector shall proceed forthwith to collect them by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property be realty.

Collection of tax by distress and sale.

Sec. 26. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate, but such lot or land of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the door of the city hall by the collector, after advertising for thirty days in some newspaper published in the city, which the collector shall do. And the collector shall divide the said land into as many parts as shall be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole, and if no person shall pay the whole taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed as hereinafter provided, shall belong to the said city in fee.

Procedure for sale of land for taxes.

Division of land.

Land struck off to city.

Return of proceedings.

Sec. 27. The collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the board, and if there shall be a surplus after paying said taxes and expenses of advertising and selling the same, it shall be paid into the city treasury, subject to the demand of the owner.

Surplus subject to demand of owner.

Time for redemption.

Sec. 28. That the owner of any land sold under the provisions of this charter or any person acting for them may redeem the same at any time within one year after the sale by paying the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Conveyance in default of redemption.

Recitals prima facie evidence.

Sec. 29. That if the real estate sold as aforesaid shall not be redeemed in the time specified, the tax collector shall convey the same in fee to the purchaser or his assigns; and the recitals in such conveyance or in any other conveyance of land sold for taxes due the city, that the taxes were due, or any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Powers in relation to streets.

Sec. 30. That the board of aldermen shall have the power to grade, macadamize, and pave the streets and sidewalks and to lay out and open new streets, or widen, straighten, or repair old streets and sidewalks, and make such improvements thereon as may be necessary and required for the public convenience. That when any land or right of way shall be necessary or required for the purpose of opening new streets and sidewalks, or either, or for widening, straightening, or repairing old streets or sidewalks, or either, or for other objects and purposes allowed by this charter or by laws which are now or shall hereafter be in force, then the said board of aldermen, through their agents, are hereby authorized to enter upon any land necessary or required for said purpose or purposes, and take and occupy the same for said object or purpose, and if the board of aldermen and the owner or owners of said land cannot agree as to damages, if any, and the owner or owners of the land so entered upon and used as aforesaid claims damages therefor, and within thirty days from said entry petitions the board of aldermen for a jury to assess damages, the said board of aldermen within not less than fifteen or more than sixty days after completing said sidewalks and streets shall order such jury of three disinterested freeholders, residents of the city of Gastonia, to be summoned by the sheriff or constable as provided by law, who shall give said landowner or owners, or their legal representatives, forty-eight hours notice of the time and place when and where said jury shall meet to assess damages; and said jury, being duly

Power to condemn land.

Procedure for assessment of damages.

sworn, in considering the question of damages, shall take into consideration the benefits to the owner of the land, and if said benefits be considered equal or greater than the damages sustained, the jury shall so declare, and it shall report in writing its finding to the board of aldermen for confirmation and ratification: *Provided*, that if said landowner be a nonresident of the county and have no legal representative, it shall be deemed sufficient service of such notice for said sheriff or constable to forward by United States mail a written notice of the purpose, time, and place of such meeting of said jury to the last known post-office address of said landowner, seven days in advance of such meeting, and also to publish notice of the same for seven days at the courthouse door of said county and at the city hall of said city. Proviso: service of notice on nonresident.

Sec. 31. That if any landowner, or his legal representative, or the board of aldermen, shall be dissatisfied with the findings of the jury provided for in section thirty of this act and with the decision of the board of aldermen, such dissatisfied party may appeal from the verdict of the said jury to the Superior Court of Gaston County, all such appeals being governed by the law regulating appeals from the courts of justices of the peace, and the same shall be heard *de novo;* and the judge in his discretion may require said landowner to give bond when the case is taken up on appeal to the Superior Court: *Provided, however*, such appeal shall not hinder or delay the board of aldermen in opening, widening, straightening, or repairing such street or sidewalk or erecting such improvement. Right of appeal. Law regulating appeals. Bond on appeal. Proviso: appeal not to delay action.

Sec. 32. That the remedy provided for in sections thirty and thirty-one for the recovery of damages in such cases by landowners shall be exclusive, and the landowner shall not seek redress in any other proceeding or action. Remedy exclusive.

Sec. 33. That the taxes for city purposes shall be levied on all real and personal property, trade, licenses, and other subjects of taxation as provided in section three, article five, of the State Constitution. That all moneys arising from taxes, donations, or other sources shall be paid to the treasurer, and no appropriation of the same shall be made but by a board constituted of a majority of the board of aldermen. Levy of city taxes. Moneys paid to treasurer. Appropriations.

Sec. 34. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery and have said cemetery kept in proper repair; they shall also have the power to purchase, when they deem it proper, land adjoining the cemetery for its enlargement; they shall also have the power to forbid any and all interments of dead bodies within the limits of said city whenever they shall deem it expedient. Burial regulations. Maintenance and enlargement of cemetery. Prohibition of burials within city.

Sec. 35. The board of aldermen may provide for the establishment, organization, equipment, and pay of such number of fire Fire companies.

Destruction of buildings for arrest of fires.

companies as they shall deem necessary and proper. That in case of a fire occurring in said city the mayor or, in his absence, a majority of the aldermen who may be present, may order the blowing up or pulling down or destroying of any house or houses deemed necessary to stop the progress of the fire; and no person shall be held liable civilly or criminally for acting in such case in obedience to such orders. They shall also have the power to establish fire limits within said city, within which it shall not be lawful for any person to erect or build any wooden houses or cover any building with any material other than metal or slate. They may prohibit wooden buildings from being removed from without into said fire limits or from being removed from one place to another within the same, under such penalties as the board of aldermen may establish, and said penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction.

Fire limits.

Prohibition of nuisances.

Jurisdiction as to nuisances.

Drainage.

Abatement of nuisances.

Sec. 36. They shall have the power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in said city, and the power and authority of said board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the corporate limits of the city. They shall have power and it shall be their duty to cause all ponds, sunken lots, and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupier the expenses as above, which expense shall be a lien on the lot: *Provided*, the owner or occupant of said lot, after a reasonable notice, to be fixed by the board of aldermen, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising within and for one mile without the city limits to be removed or abated, and for removing or abating such nuisance the person creating the same shall pay the expenses as above required.

Market and traffic regulations.

Sec. 37. That the board of aldermen shall have the power to regulate the manner in which provisions and other articles shall be sold in the streets and markets of said city, and to regulate the manner in which the streets and markets in said city shall be used and kept.

Fines and penalties to use of city.

Sec. 38. That all fines and penalties imposed by this act, or which are or may be imposed by the ordinances of the said city or the laws of the State, when tried and recovered before the judge of the municipal court, shall be paid to the city treasurer for the use of the city.

Public buildings.

Building regulations.

Sec. 39. That the board of aldermen may establish all public buildings necessary and proper for the city and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger of fire.

Penalties for violation of ordinances.

Sec. 40. That for the violation of any ordinance or by-law made by the said board of aldermen they may prescribe penalties not ex-

ceeding fifty dollars for each offense, to be recovered in the municipal court as hereinafter provided, without stay of process, mesne or final; and when judgment shall be given for such penalty, the party convicted may, unless the penalty and costs be paid, be immediately committed to the county jail or to the city calaboose for a term not exceeding thirty days or until such penalty and costs be paid: *Provided*, nothing herein contained shall prevent the said defendant from being guilty of a misdemeanor for the violation of said ordinance of the city or shall prevent the working of said defendant on the public streets or other public works of the city.

Commitment on default in payment.

Proviso: violation of ordinance misdemeanor.

Work on public works.

Sec. 41. That all penalties imposed relating to the city by this act or by any ordinance of the city shall be recoverable in the name of the city of Gastonia before the tribunal having jurisdiction thereof.

Recovery of penalties.

Sec. 42. That all penalties incurred by any minor for the breach of any of the provisions of this act or of any ordinances passed in pursuance thereof shall be recovered from his parent, guardian, or master (if the minor be an apprentice) of such minor.

Penalties incurred by minors.

Sec. 43. In addition to the costs now taxed against a defendant pleading guilty or convicted of an offense in the municipal court of the city of Gastonia, it shall be lawful to tax as a part of the costs against such defendant in either of the foregoing cases, fifty cents for the use of the patrol wagon or vehicle, when used; also, the actual cost of any meal or meals or provisions furnished to defendant while in the custody of an officer of the city or imprisoned in the city prison or calaboose; and when the defendant is imprisoned in the city prison or calaboose, thirty cents shall be charged as turnkey fees.

Matters taxed as costs.

Sec. 44. That the board of aldermen may in their discretion appoint a tax collector, when they deem such appointment necessary and advisable, and fix his compensation. In the absence of such appointment, the chief of police of the city of Gastonia shall be *ex officio* tax collector of said city. A tax collector so appointed, or the chief of police in the absence of such appointment, before entering upon the discharge of his duties, shall enter into a bond with sureties in an amount to be approved by the board of aldermen, said bond to be made payable to the city of Gastonia and conditioned upon the faithful performance of his official duties.

Appointment and compensation of tax collector.

Chief of police ex officio.

Bond for collection of taxes.

Sec. 45. That the board of aldermen of said city may in their discretion appoint their duly authorized agent, who shall be known as the superintendent of highways, to give his full time and attention to said employment, at such compensation as said board may fix and determine in their discretion, and said superintendent shall have actual management of laying out, repairing, and improving the streets, sidewalks, and highways of the said city, under the general direction of the board of aldermen, and shall from time to time make reports of his work to the board, together with such recommendations concerning street, sidewalk, and highway im-

Superintendent of highways.

Compensation and duties.

Reports and recommendations.

Superintendent of waterworks, sewers, and electric lights.

provement as he may see fit or be required to make. It shall also be the duty of said superintendent of highways, when required by said board, to assist the superintendent of waterworks, sewer, and electric lights, in the construction or extension of light, water, and sewerage lines.

Violation of ordinanee misdemeanor.

Sec. 46. That any person or persons violating any ordinances of the city shall be deemed guilty of a misdemeanor, and shall be punished as provided in chapter sixty-two of The Code of North Carolina.

Punishment.

Salaries.

Sec. 47. That the compensation or salaries of the mayor and board of aldermen and the city clerk and the treasurer of the board shall be fixed by the board of aldermen at their first regular meeting after their qualification.

Election, salary, and duties of sanitary policeman.

Sec. 48. That the board of aldermen of the city of Gastonia may appoint a health officer for said city, who shall be called the sanitary policeman, and may prescribe his duties and fix his compensation.

Election of cotton weigher.

Sec. 49. That the mayor and board of aldermen of the city of Gastonia shall at their first regular meeting in May of each year elect one cotton weigher for the city, and any vacancy occurring in said office of cotton weigher by death, resignation, or otherwise shall be filled at a call or regular meeting of the board of aldermen; and they shall elect all assistant weighers and inspectors and shall prescribe their duties and fix their compensation. The mayor and board shall also fix the price to be paid for weighing each bale, and the same shall be collected by the weigher and be paid to the city treasurer.

Vacaney.

Assistant weighers and inspeetors. Duties and compensation.

Fees for weighing to use of eity.

Duty of cotton weigher.

Sec. 50. That it shall be the duty of the said cotton weigher to weigh all baled cotton sold in the city of Gastonia at its true weight, making all proper deductions for water and damage.

Cotton weigher to be sworn.

Sec. 51. That the said cotton weigher, before entering upon his duties, shall take the following oath before some justice of the peace or other officer authorized by law to administer oaths, viz.: "I do solemnly swear that I will faithfully perform the duties of the office of cotton weigher, and that I will take no interest, near or remote, in buying or selling cotton in the city of Gastonia."

Form of oath.

Bond of eotton weigher.

Sec. 52. That the said cotton weigher shall give bond in an amount to be fixed by the board of aldermen, conditioned for the faithful performance of his duty, payable to the city of Gastonia.

Exclusive authority of cotton weigher. Penalty for unlawful weighing.

Sec. 53. That no other person than said cotton weigher shall weigh any cotton sold in the city of Gastonia, and any person violating the provisions of this section, on conviction before the judge of the municipal court, shall pay a fine of not more than fifty dollars or be imprisoned not more than fifty days.

Dismissed for abuse of trust.

Sec. 54. That any cotton weigher elected under the provisions of this act who shall willfully or corruptly abuse the power or trust conferred on him by this act shall upon conviction thereof be dismissed from his office; and any damage sustained by any

Damage reeovered on bond.

person by reason of any such willful or corrupt abuse of trust or power shall be recoverable out of the bond of such cotton weigher so offending.

Management of waterworks and sewers.

Sec. 55. That the board of aldermen shall have power to appoint such officers or agents as may be necessary to manage any waterworks or sewerage system that may now or hereafter be established, to regulate the charge for water, and generally to do all that may be necessary for the maintenance, preservation, and development of said waterworks and sewerage system. If any land or right of way is required for the construction, maintenance, and preservation or development of said waterworks or in the laying of said sewer system, and the same cannot be purchased at a price which the board of aldermen considers fair and reasonable, said land or right of way may be condemned and taken for waterworks and sewerage purposes as is provided in this act for the condemnation and taking of land for street purposes. It shall be the duty of the board of aldermen to levy and collect taxes for the payment of the interest on any bonds lawfully issued to promote said waterworks or sewerage system, and to provide for the payment of the principal at maturity.

Power to condemn land.

Tax for bonds.

Electric light system.

Sec. 56. That the board of aldermen of the said city of Gastonia may establish, construct, purchase, or otherwise lawfully secure and maintain a system of electric lights for the use of said city and its inhabitants, or maintain and develop any system that said city may now own, and may levy a tax to pay the principal and interest on any bonds lawfully issued for the same.

Tax for bonds.

Electric light and power plant.

Sec. 57. That the said city of Gastonia shall have power to establish, construct, or purchase, and at all times maintain in said city an electric light and power plant, including all machinery and appliances necessary and appurtenant to the same, and all rights and privileges required to accomplish and maintain the same, and to secure the full benefit thereof to the said city and its customers or the consumers of each such light and power within or near the said city; and the said city shall and may charge and contract for special rates for the use and privileges of electric lights and motive power furnished to such persons or corporations as may desire to use the same; and the said city shall have full power and right to purchase and hold such real estate and personal property as shall be necessary to enable it to build and maintain such electric light and power plant in the said city, and to use the streets of said city for planting its poles and other purposes, and may enter by its officers, agents, and servants upon the lands of other persons and corporations for the above purposes, and contract and purchase the same, and if unable to agree for the purchase of said lands with the owners of the same, then the said city shall have the right by its board of aldermen to condemn the same to its use in the manner now provided in this act for the condemnation of land for streets and

Special rates.

Power to purchase and hold property.

Power of condemnation.

Entry on land for repairs.

other purposes; and the said city shall at all times have the right to enter upon the land for the repairing, improving, or replacing of the poles and lamps, *et cetera;* also the right to enter at all proper hours the stores, hotels, business houses, dwellings, or other premises where said electric lights and motive power, fixtures, wires, lamps, *et cetera,* are located, for the purpose of repairing, removing, or replacing the same.

Ordinance for establishment of street railway.

Limit of cost.

Sec. 58. That whenever the board of aldermen may determine that the welfare of the city requires the establishment of a street railway in the city of Gastonia, they shall so declare by an ordinance in which shall be set forth the amount to be expended for that purpose, which shall not exceed seventy-five thousand dollars ($75,000); and shall also hold an election to ascertain the will of the people as to issuing bonds for that purpose. Said election shall be held, as to notice and other rules and regulations, as provided for in the Private Laws of North Carolina of one thousand eight hundred and ninety-nine, chapter one hundred and forty-eight, for providing a system of waterworks and sewerage for the town of Gastonia; and those in favor of street railways shall vote a ticket on which shall be the words "For Street Railway," and those voting against street railways shall vote a ticket on which shall be the words "Against Street Railway," and if a majority of the qualified voters of the city of Gastonia shall have voted in favor of a street railway, the board of aldermen shall issue bonds in denominations and to bear interest and on other terms as is provided in Private Laws of North Carolina, one thousand eight hundred and ninety-nine, chapter one hundred and forty-eight, for providing the town of Gastonia with a system of waterworks and sewerage, and shall levy a tax to pay said bonds and interest thereon.

Election on bond issue.

Law governing elections.

Tickets.

Bonds issued on vote of a majority of qualified voters.

Power to construct, equip, and operate street railways.

Sec. 59. The board of aldermen is hereby authorized to make, construct, equip, maintain, and operate lines of street railway with one or more tracks, and all necessary branches, turnouts, and switches, using such motor power as shall be determined by the board, through and along the streets within the corporate limits of the city of Gastonia and to points within the vicinity thereof, and erect such depots, stables, offices, shops, and other buildings as are necessary and proper for conducting the business of the said street railway, and to demand and receive such sums of money for the carriage of passengers as the board may think proper, not to exceed ten cents for each person on any line within the corporate limits of the city nor more than twenty-five cents to points beyond the city limits; and if the board shall determine to carry freight or parcels, such compensation for these services as may be reasonable: *Provided,* that the tracks of the said railway shall conform to the grades of the streets through which they pass, and shall be laid so as to present no unnecessary obstacles to wagons or other vehicles turning in or crossing the

Rates of fares.

Freight rates.

Proviso: tracks to conform to grade of streets.

streets or roads through or over which said railways, branches, turnouts, or switches may be laid, and shall repair and put in as good condition as they were previous to the laying of the tracks the streets through which the said railways may be constructed.

Injuring or obstructing railway misdemeanor.

Sec. 60. That any person who shall remove, obstruct, injure, deface, or destroy any part of said railway, cars, fixtures, machinery, or structures of any kind, shall be deemed guilty of a misdemeanor and fined and imprisoned at the discretion of the court.

Punishment.

Powers of conductors and other employees.

Sec. 61. That the conductors and other agents and servants of said street railway are hereby invested with the same authority, powers, and privileges which belong to the similar officers and agents of railway companies now operating in this State.

Public school system.

Sec. 62. That the board of aldermen of the city of Gastonia may in their discretion continue and maintain any public school or schools heretofore or hereafter established according to law within the city of Gastonia, and it shall be the duty of the said board of aldermen to levy and collect annually for the use of said school or schools a tax, the rate of which shall be fixed by the school commissioners, not, however, to exceed the rate of thirty cents on every one hundred dollars valuation of all real estate and personal property actually or in contemplation of law situated within the corporate limits of the said city of Gastonia. This tax shall be collected as other city tax and shall be paid to the treasurer of the city, who shall be *ex officio* treasurer of the board of school commissioners. The mayor shall be president of such board. Seven school commissioners shall be elected biennially at the regular election when the mayor and board of aldermen of said city shall be elected, under the same rules and regulations as may be provided for the election of the aldermen of the city, and said commissioners shall hold office until the next regular election and until their successors are elected and qualified. The board of school commissioners of the city of Gastonia provided for shall employ teachers, fix their pay, and make all rules and regulations for the government of said schools: *Provided, however,* that said board must establish and maintain separate schools for the children of the white race and for the children of the colored race. It shall be the duty of the school commissioners of Gaston County to lay off, as one of the school districts of said county, all that part of said county which is within the limits of the said city of Gastonia, to be known as Gastonia School District, and all moneys apportioned to said district under the provisions of the school laws of the State shall be paid by the county treasurer to the treasurer of the school commissioners of said city, to be by them expended in the maintenance of said schools: *Provided,* that the privilege of attending is granted to all children who would be entitled to attend the public schools of this State.

School tax.

Limit of rate.

Collection and settlement.

Mayor ex officio president of board.

Election and terms of school commissioners.

Employment and pay of teachers.

Government of schools.

Proviso: separate schools for races.

Gastonia school district.

Apportionment from State and county.

Proviso: privilege of attendance.

Interest on school bonds.

Sec. 63. The interest on any and all bonds heretofore lawfully issued for school purposes shall be paid semiannually at the place designated for the payment of the principal of said bonds,

Tax for school bonds.

and there shall be levied an annual tax to pay said interest and principal at maturity, in accordance with the provisions of said bonds.

Title to school property.

Sec. 64. The title to all real and personal property owned by the city of Gastonia and used for school purposes shall be vested

Management and control.

in and taken in the name of the city of Gastonia, but it shall be under the management and control of the school commissioners, who may make all such rules and regulations as may be proper for

Proviso: commission for care of school property.

its safety and to prevent intruders from coming thereon: *Provided*, that at the first regular meeting of the board of aldermen after their election, the board of aldermen may elect one of their number, and at the first regular meeting of the board of school commissioners after their election the board of school commissioners may elect one of their own number, and such persons so elected by the board of aldermen and by the board of school commissioners, together with the mayor, shall constitute a commission, charged with the special duties of caring for all school property, both real and personal, supervising the grounds, buildings, and

Mayor ex officio chairman.

all matters of like nature pertaining to the school property. The mayor shall be *ex officio* chairman of this committee.

Lot owners to pave sidewalks.

Sec. 65. That whenever the board of aldermen of the city of Gastonia shall determine to macadamize, pave, improve, or repair any street or streets of the said city, or sidewalk or sidewalks thereof, then the owner of every lot on such street or sidewalk so macadamized, paved, improved, or repaired, if ordered by the said board of aldermen, shall improve, curb, pave, or repair, in such manner as said board of aldermen may direct, such sidewalk or sidewalks so far as it or they may extend along such lot:

Proviso: apportionment of cost.

Provided, however, that one-half of the actual and necessary expense of such improvement, curbing, paving, or repairing shall be paid by the city of Gastonia and one-half by said lot owner or

Supervision of work.

owners. Work done under this section shall be done under the strict supervision of the superintendent of highways or of the

Work done by city on default of owner.

street commissioner; and on failure to do as directed within twenty days after the notice by the superintendent of highways, or the street commissioner or chief of police to said owner, or, if he be a nonresident of the county of Gaston, to his agent, or if such nonresident have no agent in said county known to the board, or if personal service cannot be served on the owner or agent, then after publication of a notice by the superintendent of highways, street commissioner, or chief of police for ten days in some newspaper published in Gastonia, calling on the owner to make such improvements, paving, curbing, or repairs, the board of aldermen, the superintendent of highways, or the street commissioner may cause the same to be repaired, curbed, paved, or improved as

directed by the board, and one-half of the expense thereof shall be paid by the person in default; said one-half of the expense so to be paid by the lot owner shall be a lien upon said lot, and if not paid within two months after the completion of the work, such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations, and restrictions, rights of redemption and saving as are prescribed in said charter for the sale of land for unpaid taxes: *Provided, however*, that the board of aldermen, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract, and charge one-half of the actual cost of such work to the abutting property, and the said charge shall be a lien as herein provided and collectible as provided above: *Provided further*, that if the property-owner should so elect and give notice of the fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal and annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which said work is done up to the time when the same shall be due and collectible, and in the case of the failure or neglect of any property-owner to pay said installment when the same shall be due and collectible, then in that event the said amount of said installment shall be a lien upon said property as hereinbefore provided and collectible as provided above: *Provided further*, that whenever said city has had any of said work done, it shall give the owner of said abutting property ten days notice of the amount charged against his said property, and if the owner is dissatisfied with the amount of the said charge, he may give notice to the board of aldermen within the ten days aforesaid that he takes an appeal to the next term of the Superior Court of Gaston County, and shall, within five days thereafter, serve a statement of facts upon which he bases his appeal. The said appeal shall, at the said term of court, be tried as other actions of law; and the said owner may in like time and manner appeal from any order or act of the board of aldermen made or done under this section, but said appeal shall not delay or stop said improvements, paving, curbing, or repairing.

Lien on lot for expense. Sale of lot.

Proviso: privilege in city to do all work.

Charge a lien on lot.

Proviso: payment in installments.

Proviso: notice to owner of amount.

Right of appeal.

Trial on appeal.

Appeal not to delay work.

Sec. 65½. In addition to the above provisions, the board of aldermen may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding paragraph, after being directed so to do by the board of aldermen.

Penalties for failure to make improvements.

Sec. 66. That it shall be unlawful to sell or manufacture intoxicating liquors in the city of Gastonia and it shall be unlawful for any person or persons, firm or corporation to manufacture or in any way to make, sell, or otherwise dispose of, for gain, any

Prohibition.

Sales by druggists forbidden.

spirituous, vinous, fermented, or malted liquors or intoxicating bitters in the corporate limits of the city of Gastonia; and it is especially provided that this section shall be construed to forbid the sale of such spirituous, vinous, fermented, or malt liquors or intoxicating bitters in the corporate limits of the city of Gastonia, by any person whatsoever, licensed and registered pharmacists, upon prescription or otherwise; and any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Election, duties, and salary of city clerk.

Sec. 67. That the board of aldermen, at their first meeting after their election, and annually thereafter, may elect a city clerk, and shall have power to define his duties and pay him therefor an adequate and reasonable salary, the amount of said salary to be fixed and determined within the discretion of the said board of aldermen, and subject to change from time to time as said board may within its discretion deem advisable. It shall be the duty of the said clerk, before entering upon the discharge of his duties, to enter into a bond with sureties, and in an amount to be approved by the board of aldermen, said bond made payable to the city of Gastonia, and conditioned for the faithful performance of his official duties.

Bond of clerk.

Definition of tramps.

Sec. 68. That any person found in the city of Gastonia who may be able to labor and who has no apparent means of subsistence, and neglects to apply himself to some honest occupation for the support of himself or family, and goes about from place to place begging or subsisting on charity, shall be a tramp, and upon conviction before the judge of the municipal court shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and the judge of such court shall have authority to require any person convicted under this section, in lieu of imprisonment or on nonpayment of the fine, to work on the public roads of Gaston County or the streets or other public works of the city.

Fine or imprisonment.

Work on roads, streets, or public works.

Establishment or enlargement of cemeteries.

Sec. 69. That the board of aldermen of the city of Gastonia shall have the power to establish such public cemeteries as in their judgment may be necessary, and they shall have the power to enlarge any cemetery now owned or controlled by the city; and when they deem it necessary for the public welfare, may establish within the present corporate limits or on the outside and within one mile of the corporate limits, any other cemetery or cemeteries.

Power to acquire land.

Power of condemnation.

Sec. 70. That the said board of aldermen shall have the power to acquire such lands as in their judgment may be necessary for the purposes set forth in section sixty-nine hereof; and when any land is necessary or required for such public cemetery purposes, then the said board of aldermen, after having by ordinance so declared that such land is necessary and required for public cemetery purposes, and designated the land so required, through their agents, are hereby authorized and empowered to enter upon the land necessary or required for such purpose, and designated as aforesaid, and take and occupy the same for said purpose, and if

the board of aldermen and the owner or owners of said land cannot agree as to the value of the land so taken, or damages, if any, caused by said taking, and the owner or owners claims a price or damages therefor, then the said owner or owners shall have the same remedy by the same procedure as provided in sections thirty, thirty-one, and thirty-two hereof, and the said board shall in such event have all such rights and remedies as are granted to it in said sections: *Provided, however*, that nothing in sections sixty-nine and seventy hereof, or said sections thirty, thirty-one, and thirty-two, shall hinder or delay the said board of aldermen from taking possession of said land and of making use of the same for public cemetery purposes pending any litigation concerning the same.

Proviso: work not hindered or delayed.

Sec. 71. That the board of aldermen shall have power by ordinance to prohibit all persons from any place or places wherein contagious or infectious diseases are believed to exist or to have existed, from entering the city of Gastonia, and all goods and chattels from being brought from said place or places into said city, and to fix a penalty for the breach of any of the ordinances established by them on the subject; they shall also have power to take such other precautionary measures to prevent the introduction or spreading of all infectious or contagious diseases in the said city as they may deem expedient.

Quarantine regulations.

Sec. 72. That the board of aldermen may purchase and hold such land as in their judgment may be needed for municipal purposes, and shall have authority to sell all lands belonging to the city which in their opinion is not required for their purposes.

Powers of purchase and sale of lands.

Sec. 73. That chapter one hundred and forty-eight of the Private Laws of North Carolina of one thousand eight hundred and ninety-nine, entitled "An act to amend the charter of the town of Gastonia, North Carolina," and chapter two hundred and eight of the Private Laws of North Carolina of one thousand nine hundred and five, entitled "An act to amend the charter of the town of Gastonia," and chapter two hundred and fifty-two of the Private Laws of North Carolina of one thousand nine hundred and seven, entitled "An act for improvement of the sidewalks of the town of Gastonia," and chapter one hundred and sixty-four of the Private Laws of North Carolina of one thousand nine hundred and nine, entitled "An act to allow the aldermen of the town of Gastonia to condemn lands for establishing cemeteries," and chapter two hundred and eleven of the Private Laws of North Carolina of one thousand nine hundred and nine, entitled "An act to extend the corporate limits of the town of Gastonia, North Carolina," and chapter three hundred and ten of the Private Laws of North Carolina of one thousand nine hundred and nine, entitled "An act to amend the charter of the town of Gastonia, North Carolina," and chapter two hundred and seventy-four of the Private Laws of North Carolina of one thousand nine hundred and eleven, entitled "An act

Laws specifically repealed.

to amend chapter two hundred and eight of the Private Laws of one thousand nine hundred and five, and to amend chapter two hundred and fifty-two of the Private Laws of one thousand nine hundred and seven," being an act to amend the charter of the town of Gastonia, and chapter four hundred and thirteen of the Private Laws of North Carolina of one thousand nine hundred and eleven, entitled "An act to amend the charter of the town of Gastonia," and all other laws or parts of laws in conflict with the provisions of this act are hereby repealed, in so far as they are in conflict with this act.

Sec. 74. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 200.

AN ACT TO AMEND AN ACT OF THIS GENERAL ASSEMBLY ENTITLED "AN ACT TO REPEAL ITS PRESENT CHARTER AND LAWS IN CONFLICT WITH THIS ACT, AND TO INCORPORATE THE CITY OF HICKORY," AND RATIFIED THE 17th DAY OF FEBRUARY, 1913.

The General Assembly of North Carolina do enact:

Section 1. Amend section six of article six of an act of this General Assembly entitled "An act to repeal its present charter and laws in conflict with this act, and to incorporate the city of Hickory," and ratified on the seventeenth day of February, one thousand nine hundred and thirteen, by striking out the word "hands" between the word "the" and the word "of," in line one of said section, and by inserting in lieu thereof the word "heads."

Verbal correction.

Railroads to construct crossings.

Sec. 2. Amend subsection (*n*) of section one of article nine of the act aforesaid by inserting, after the words "and to" and before the words "construct and keep in repair suitable crossings" in said subsection, the words "require railroad companies or company to."

Jurisdiction.

Sec. 3. Amend section six of article nine of the act aforesaid by inserting the words "within said jurisdiction" after the word "and" and before the words "all civil and criminal processes," and further amend said section by striking out the words "in said jurisdiction" in the last line of said section.

Reference to Revisal.

Sec. 4. Amend section nine of article thirteen of the act aforesaid by striking out the figures "two thousand eight hundred and fifty-seven" between the word "section" and the word "of" in said section, and by inserting in lieu thereof the words "two thousand eight hundred and fifty-one."

Article XV.

Sec. 5. Amend the act aforesaid by inserting the expression "Article fifteen" on a separate line after section ten of article fourteen of said act and above line on which are the words "The Referendum."

Sec. 6. Amend section eight of article eighteen of the act aforesaid by striking out the word "two" after the expression "shall be inserted in" and before the word "of" in said section, and by inserting in lieu thereof the words "one or more." Number corrected.

Sec. 7. Amend section three of article eighteen of the aforesaid act by adding the following sentence at the end of the first paragraph of said section: "The compensation of those officers and employees, whose salaries or wages are not hereinbefore in this act provided for, shall be fixed by the city council." Salaries fixed by city council.

Sec. 8. Amend article eighteen of the act aforesaid by striking out sections twelve and thirteen of said article of said act and by inserting in lieu thereof the following section:

"Sec. 12. Section twenty-one of article two, and sections six, eight, nine, ten, eleven, and twelve of article eighteen of this act shall be in full force and effect from and after the ratification of this act. The other sections of article two of this act shall be in full force and effect from and after the date of declaring carried the election 'For adoption of new charter for city of Hickory,' in the manner above set out, and all laws and clauses of laws in conflict with the other sections of said article shall be repealed by the declaring carried the election 'For adoption of new charter for city of Hickory'; and the other articles and sections of this act shall be in force and effect from and after ten o'clock in the forenoon of the first Monday in May following the declaring carried the election 'For adoption of new charter for city of Hickory,' and all laws and clauses of laws in conflict with said sections and articles shall, in so far as they apply to the city of Hickory, be deemed repealed at ten o'clock in the forenoon of the said Monday." When act and different parts of act effective.

Sec. 9. This act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 201.

AN ACT TO AUTHORIZE THE TOWN OF WILSON TO ISSUE BONDS FOR THE PURPOSE OF PERMANENTLY IMPROVING THE STREETS AND ENLARGING AND OTHERWISE IMPROVING THE ELECTRIC LIGHT AND POWER PLANT IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the board of town commissioners of the town of Wilson be and they are hereby authorized, empowered, and directed to submit to a vote of the qualified voters of the town of Wilson, within ninety days after the ratification of this act, the following questions, to wit: Commissioners required to order election. Time for election.

Question on issue of street bonds.

(*a*) Whether the town of Wilson shall issue bonds in a sum not to exceed eighty thousand dollars ($80,000) for the purpose of grading, macadamizing, or otherwise permanently improving the streets of said town.

Question on issue of bonds for light and power plant.

(*b*) Whether the town of Wilson shall issue bonds in a sum not to exceed eighty thousand dollars ($80,000) for the purpose of enlarging and permanently improving the electric light and power plant of said town.

Meeting for call of election.

Sec. 2. That the said town commissioners of the town of Wilson shall, within twenty days after the ratification of this act, meet in the mayor's office in the town of Wilson and call an election for the purpose of submitting the said questions to the voters of said

Notice of election.

town; that the said board of town commissioners of said town of Wilson shall cause to be published for at least thirty days prior to the said election in some newspaper published in the town of Wilson, a notice of said election, stating the day on which and

Law governing election.

the purposes for which the same shall be held; that the said election shall be conducted in the manner prescribed for the election

Voting precincts.

of the mayor of said town; the voters desiring to vote at said elec-

Election officers.

tion shall vote at their usual voting precincts; that said board of town commissioners of the town of Wilson shall appoint a registrar and two judges of election for each of said voting precincts in said town, and shall make all other necessary provisions for the

Expense of election.

holding of said election; that all expense incurred by reason of the holding of said election shall be paid by the said town of

New registration optional.

Wilson out of the general funds of said town; that said board of town commissioners may or may not order a new registration of

Registration.

the voters of said town, as they shall deem best; that the said registrars appointed for said election shall keep the registration books open for at least twenty days next preceding said election for the purpose of revising the same and for entering the names of all persons qualified to vote in said election who shall present them-

Challenge day.

selves for registration; that the said registrars and judges of the elections appointed for the various precincts shall meet at their respective precincts the day before said election for the purpose of hearing and determining all challenges that may be made

Close of registration books.

against the right of any person registered to vote, and after the hearing of said challenges the registration books shall not again be

Revision of books.

open for the purpose of receiving for registration any other and further names; that said registrars shall so revise said registration books that they will show only the names of such persons as are

Hours of election.

entitled to vote in the various precincts in said election; that said election officers shall attend the polling places of their respective wards or precincts on the day called for said election and shall open the polls for said election at eight o'clock A. M. and keep the same open for the purpose of receiving ballots until six o'clock

Count of vote and certificate of result.

P. M.; that at the close of said polls the said election officers shall count the votes cast and certify the result, under their hands and

seals; that said certificates shall be delivered by said election officers, or some person designated in writing by them, to the mayor of the town of Wilson, who shall return them to the board of town commissioners of the town of Wilson on Monday night following said election; that said board of commissioners shall receive said certificates of the election held in the various precincts, canvass, tabulate, and publish the result of same, and shall record in the minutes of their meeting the result of said election, showing the total numbers of voters qualified to vote in the various precincts whose names appear on the registration books and the number of voters who have voted on either or both of the two propositions submitted in the election, and shall show the number of affirmative votes for both and each of said propositions and the number of votes against both and each of said propositions; that the record of the votes so entered in the minutes of the meeting of the board of town commissioners of the town of Wilson shall be conclusive, and that no further evidence as to the result shall be necessary or required.

Returns.

Canvass of returns.

Record of result.

Sec. 3. That at the said election all qualified voters who favor the issuing of bonds not to exceed in amount the sum of eighty thousand dollars for the purpose of grading, macadamizing, paving, or otherwise permanently improving the streets of the town of Wilson shall vote a ballot on which shall be written or printed the words "For Street Improvement," and all qualified voters who are opposed to the issuing of said bonds for the purpose of street improvement shall vote a ballot on which shall be written or printed the words "Against Street Improvement."

Ballots on street bond issue.

Sec. 4. That at said election all qualified voters who shall favor the issuing of bonds not to exceed in amount the sum of eighty thousand dollars for the purpose of enlarging and permanently improving the electric light and power plant in the town of Wilson shall vote a ballot on which shall be written or printed the words "For Enlargement of Power Plant," and all qualified voters who shall be opposed to the issuing of said bonds for such purpose shall vote a ballot on which shall be written or printed the words "Against Enlargement of Power Plant."

Ballots on light and power plant issue.

Sec. 5. That D. S. Boykin, Ernest Deans, and E. A. Darden shall be and they are hereby appointed a board of public works: *Provided, however*, that their terms of office shall begin as herein provided, that is, if a majority of the qualified voters of the town of Wilson shall vote at said election in favor of either or both of the said propositions submitted to them at said election, it shall be the duty of the board of town commissioners of the town of Wilson to notify each member of the board of public works of the result of said election, and it shall be the duty of said board of public works to meet in the mayor's office of the town of Wilson on the second Monday following the day of said election, when and where, after having taken and subscribed to an oath before

Board of public works.

Proviso: beginning of term.

Meeting for qualification and organization.

some lawful officer qualified and authorized to administer oaths, to faithfully perform the duties of their office, they shall at once organize under the name and style of "The Board of Public Works of the Town of Wilson": *Provided, however*, that whenever the term "The Board of Public Works" may be used in connection with said board, it shall be sufficient; and shall proceed to elect one of their members chairman and one vice chairman, and one member secretary; that said board of public works may make and adopt such rules, regulations, and by-laws for their government and work as may be deemed necessary and proper by the said board of public works; that said board of public works shall prescribe the duties of their members; that the members of said board of public works shall each hold his office for a period of two years from the date of his qualification, and that the successors of any or all of said members, whether a vacancy shall occur from expiration, resignation, death, or in any other manner, shall be appointed by the board of town commissioners of the town of Wilson: *Provided, however*, that said board of public works shall cease, terminate, and expire when the improvements on the streets of the town of Wilson and the improvement of the electric light and power plant shall have been completed and final accounts and report have been filed with and accepted by the board of town commissioners of the town of Wilson. The secretary of the said board of public works shall receive two hundred and fifty dollars ($250) per year and the other members one hundred and fifty dollars ($150) each per year for their services.

Proviso: sufficient designation.

Organization.

Rules, regulations, and by-laws.

Board to prescribe duties of members. Terms of office.

Vacancies.

Proviso: expiration of board.

Pay of secretary and members.

Sec. 6. That the board of public works shall have charge of said permanent street improvement in the town of Wilson, provided a majority of the qualified voters of the town of Wilson shall have voted "For Street Improvement" and bonds for that purpose have been issued, and shall have the power and authority to make and enter into all contracts necessary to be made and entered into in order to successfully and economically prosecute the said street improvement work: *Provided further*, that the board of public works shall designate the particular street or streets which shall be permanently improved, with the concurrence of the board of town commissioners.

Charge of permanent street improvement.

Power to make contracts.

Proviso: designation of streets.

Sec. 7. That said board of public works shall have charge and control, subject to the provisions of this act, of the enlargement of the electric light and power plant in the town of Wilson, in the event that a majority of the qualified voters shall have voted at the election held under this act "For Enlargement of Power Plant," and of such other permanent improvement thereto as may be deemed wise, and shall have the power and authority to enter into and make all necessary and proper contracts looking to the proper and economical prosecution of the said work; and for the permanent location of said plant the said board of public works shall have power and authority, with the consent of the board of

Charge of enlargement of light and power plant.

Power to make contracts.

Land for site.

town commissioners, to acquire land in the name of the town of Wilson for a site for said electric light and power plant.

Board incorporated.

Sec. 8. That said board of public works of the town of Wilson are hereby made a body corporate, and as such may sue and be sued, plead and be impleaded, and in the name of the board of public works of the town of Wilson may enter into all contracts necessary and proper to be entered into to prosecute the work intrusted to said board of public works: *Provided, however*, that all contracts contemplating the expenditure of five hundred dollars or more, entered into by the said board of public works, shall be in writing and signed in the name of the board of public works of the town of Wilson and shall be signed by the chairman thereof and attested by the secretary with the seal of the said board affixed; *Provided*, that in the absence of the chairman, the vice chairman may sign said contracts in his stead: *Provided further*, that the seal of said board of public works shall be affixed to all written contracts, and no evidence shall be received in any court in any suit brought against the board of public works of the town of Wilson or against the town of Wilson for or in behalf of said board of public works or any matter arising from a contract required herein to be in writing, unless said contract is in writing, signed as herein stipulated, with the seal of the board affixed: *Provided further*, that the said board is hereby authorized and directed to have a seal with such inscription thereon as may seem proper to the board of public works.

Corporate powers.

Corporate name.

Power to make contracts.

Proviso: contracts required to be in writing.

Proviso: vice chairman.

Proviso: seal to be affixed.

Evidence of contract.

Bonds to be issued for street work.

Sec. 9. That in the event that a majority of the qualified voters of the town of Wilson shall vote at the election herein provided for "For Street Improvement," and the result of said election shall be declared and recorded as aforesaid, the board of town commissioners of the town of Wilson shall have prepared bonds in denominations not exceeding one thousand dollars and not less than five hundred dollars, the total amount issued not to exceed the sum of eighty thousand dollars, which shall bear interest at the rate of five per cent per annum, payable semiannually on the first day of July and the first day of January of each year, the said bonds having coupons for interest attached thereto; that the principal of said bonds shall be payable and redeemable thirty years from the date thereof; the interest coupons and bonds shall be payable at some bank to be designated in the face of said bonds and coupons, which bank shall be named by the board of town commissioners of the town of Wilson; that said bonds shall be in such form as may be prescribed by the board of town commissioners, which form shall be recorded in the minutes of the town commissioners of the town of Wilson and shall be known and styled as "Street Improvement Bonds of the Town of Wilson"; that said bonds shall be signed by the mayor of the town of Wilson and the clerk of the said town, and the interest coupons shall be signed by the clerk of the town of Wilson: *Provided*, that a facsimile

Denominations.

Amount.

Interest.

Maturity.

Entitlement of bonds.

Authentication.

Proviso: signature on coupons.

signature of the clerk may be printed, engraved, or lithographed on the said interest coupons; said bonds shall be numbered consecutively from number one; that when the said bonds have been prepared and signed, with the seal of the town affixed thereto, which is hereby made one of the requirements to the validity of said bonds, the same shall be sold by the board of town commissioners of the town of Wilson in such quantities as may be necessary to enable the board of public works to properly prosecute its works, for not less than par, and the money derived from such sale shall be deposited with the treasurer of the town of Wilson, who shall keep the same separate and apart from all other accounts of the town of Wilson and shall designate the deposit thus received as "Street Improvement Fund." The treasurer of the town of Wilson shall deposit the said fund in the banks of the town of Wilson in proportion to the capital stock of said banks. All deposits made of said fund shall bear interest at the rate of four per cent per annum on average monthly balance with said banks, and if any of the said banks with which it shall be proposed to deposit a part of the "Street Improvement Fund" shall refuse to pay such interest, then and in that event the treasurer shall lend the money on call to the best possible advantage.

Seal on bonds.

Sale of bonds.

Sale below par forbidden.
Proceeds kept separate.

Deposit of proceeds.

Interest on deposits.

Loans on call.

Pledge of faith and credit of town.

Sec. 10. The board of commissioners of the town of Wilson are hereby authorized, empowered, and directed, for the payment of such bonds and interest on same as may be issued under the provisions of this act, to pledge the faith and credit of the town of Wilson.

Tax for interest.

Sec. 11. For the purpose of paying the interest on said street improvement bonds, the board of town commissioners are hereby authorized, empowered, and directed annually to levy a tax on all taxable property in the town of Wilson sufficient to pay the interest on the said bonds, which tax shall be collected by the tax collector of the town of Wilson when all other taxes are collected, and by the tax collector turned over to the treasurer of the town of Wilson, who shall keep the same in separate account to be known as "Street Improvement Bond Interest Fund," and it shall be expended only for the purpose of paying said interest.

Collection and settlement.

Separate account.

Designation of fund.
Specific appropriation.

Bond issue for enlargement of power plant.

Sec. 12. That in the event that a majority of the qualified voters of the town of Wilson shall vote, at the election to be held hereunder, "For Enlargement of Power Plant," and the result of said election shall be declared and recorded as aforesaid, the board of town commissioners of the town of Wilson shall have prepared bonds in denomination not to exceed one thousand dollars and not less than five hundred dollars, the total amount issued not to exceed the sum of eighty thousand dollars, which bonds shall bear interest at the rate of five per cent per annum, payable semiannually on the first day of January and the first day of July, the said bonds having coupons for interest attached thereto; that the principal of said bonds shall be payable and redeemable thirty years from

Denomination.

Amount.

Interest.

Maturity.

the date thereof; the interest coupons and bonds shall be payable at some bank to be designated in the face of the bonds and coupons, which shall be named by the board of town commissioners of the town of Wilson; that said bonds shall be in such form as may be designated by the board of commissioners of the town of Wilson, which form shall be recorded in the minutes of the board of commissioners of the town of Wilson and shall be known and styled as "Electric Light and Power Plant Bonds of the Town of Wilson," and shall be numbered consecutively from number one; that said bonds shall be signed by the mayor and clerk of the town of Wilson, with the seal of the town affixed thereto, and the clerk of said town shall sign the interest coupons: *Provided*, that a facsimile of the signature of the clerk to said coupons may be printed, engraved, or lithographed on said coupons; that when the said bonds have been prepared and signed, with the seal of the town affixed thereto, the same shall be sold by the board of town commissioners of the town of Wilson in such quantities as may be necessary to provide the board of public works with sufficient money to properly prosecute its work, for not less than par, and the money derived from said sale shall be deposited with the treasurer of the town of Wilson, who shall keep the same separate and apart from all other accounts of the town of Wilson and shall designate and deposit the same as "Power Plant Enlargement Fund." The treasurer of the town of Wilson shall deposit said fund in the banks of the town of Wilson in proportion to their capital stock. All deposits made of said funds shall bear and draw interest at the rate of four per cent per annum on average monthly balance with such banks, and if any of said banks with which it shall be proposed to deposit said fund shall refuse to pay said interest at the rate of four per cent per annum on average monthly balance, then and in that event a deposit shall not be made with said bank so refusing: *Provided*, that if the said bank will not pay four per cent, the treasurer shall lend the money on call to the best advantage.

Entitlement of bonds.

Authentication.

Proviso: signature to coupons.

Sale of bonds.

Sale below par forbidden.

Separate accounts.

Designation of fund.

Deposit of funds.

Interest on deposits.

Proviso: call loans.

Sec. 13. The board of commissioners of the town of Wilson are hereby authorized, empowered, and directed, for the payment of said bonds at maturity, and the interest on the same as it may accrue, to pledge the faith and credit of the town of Wilson.

Pledge of faith and credit of town.

Sec. 14. For the purpose of paying the interest on the said bonds as it may become due, the board of town commissioners of the town of Wilson are hereby empowered, authorized, and directed, and it shall be their duty to appropriate and set aside for this purpose, annually from the net earnings of the electric light and power plant, a sum sufficient to pay the said interest: *Provided, however*, that in the event that the net earnings of said plant at any time shall be insufficient to pay the interest on said bonds as it becomes due, it shall be the duty of the board of town commissioners of the town of Wilson to levy a tax on all taxable property

Fund for payment of interest.

Proviso: tax for deficit.

Collection and settlement.

in the town of Wilson sufficient to pay the said interest, which tax, so levied, shall be collected by the tax collector of the town of Wilson at the same time and in the same manner as all other taxes are collected, and the taxes, when so collected, shall be turned over to the treasurer of the town of Wilson, who shall keep the same in separate account from all other accounts of the town of Wilson, which account shall be known and designated as "Electric Light Enlargement Bond Interest Fund," and said fund shall be used for no other purpose than the payment of interest on said bonds.

Separate account.

Designation of fund.

Specific appropriation.

Tax for sinking fund for street bonds.

Sec. 15. For the purpose of preparing to meet the payment of the street improvement bonds when due and redeemable, it shall be the duty of the board of town commissioners of the town of Wilson to annually levy a tax upon all the taxable property of the town of Wilson for the purpose of creating a sinking fund to provide for the retirement of said bonds, which tax shall be collected by the tax collector of the town of Wilson annually, and the amount thereof shall be turned over to the sinking fund commission of the town of Wilson created by the act of the General Assembly of North Carolina by chapter fifty-eight, Private Laws of one thousand nine hundred and eleven. The rate of said taxes so levied shall in no year be charged enough to collect more than three per cent of the bonds authorized to be issued for street improvement, but shall each year be sufficient to collect at least one per cent of the total amount of said issue, and such amounts so collected and turned over to the said sinking fund commission shall be held separate and apart from all other moneys held by said sinking fund commission and shall be known and designated as "The Street Improvement Sinking Fund."

Collection and settlement.

Tax rate.

Fund kept separate.

Designation of fund.

Sinking fund for light and power plant bonds.

Sec. 16. For the purpose of preparing to meet the payment and retiring of the said electric light and power plant bonds at maturity, it shall be the duty of the board of town commissioners of the town of Wilson, annually, to appropriate from the earnings of the electric light and power plant of the town of Wilson, and turn over to the sinking fund commission, not more than three per cent and not less than one per cent of the total amount of the bonds so issued for the enlargement of the electric light and power plant, which amount shall be received by the said sinking fund commission and held separate and apart from all other money held by the sinking fund commission, which fund shall be known as "Electric Light and Power Plant Bonds Sinking Fund": *Provided, however*, that it shall be the duty of the board of town commissioners of the town of Wilson at their meeting when the annual levy of tax on all taxable property in the town of Wilson is made for all other purposes, in the event that the earnings of the electric light and power plant have been insufficient to care for the interest and sinking fund as herein provided for, to levy a tax on all taxable property in the town of Wilson sufficient to raise enough money

Fund kept separate.

Designation of fund.

Proviso: tax to supply deficiency.

to pay not more than three per cent and not less than one per cent of the amount of electric light and power plant bonds to said sinking fund commission: *Provided*, that the failure of the commissioners to levy the said tax during any one or more years when the earnings of the said plant have been sufficient to meet the charges herein made shall not operate so as to deprive the said board of commissioners of the town of Wilson of the right and duty to levy said tax whenever the earnings of said plant the preceding year have been insufficient to pay the interest on said bonds and to provide for the sinking fund as herein required.

Proviso: right not forfeited by omission.

Sec. 17. The money paid to the sinking fund commission hereunder, whether for the use of the "Street Improvement Bonds Sinking Fund" or the use of the "Electric Light and Power Plant Bonds Sinking Fund," shall be invested by the said commission in gilt-edge securities to the best possible advantage, and such investments shall be made by a two-thirds vote of said commission. All investments hereunder shall be so made that they can be identified as street or power sinking fund, according to the source from which the money for said investment was derived.

Investment of sinking fund.

Identification of investments.

Sec. 18. The clerk of the town of Wilson shall keep an account against the sinking fund commission, which account shall show the amount of money held or turned over to the sinking fund commission, and shall show to which class the money belongs, and shall keep and file in a safe place, and shall copy in the minutes of the board of town commissioners of the town of Wilson, all such receipts and reports of the sinking fund commission as may be made.

Account against sinking fund commission.

Keeping and record of receipts and reports.

Sec. 19. The sinking funds herein created shall not be used by the town of Wilson, or any other person, for any other purpose than for the creating of a fund sufficient to retire said bonds at maturity.

Specific appropriation.

Sec. 20. The sinking fund commission shall collect all interest due on securities held by the said commission when the same is due and shall reinvest such interest and thereafter treat and regard same as principal money. All amounts of interest collected shall be reported to the clerk of the town of Wilson, designating from which class of sinking funds the same was collected, and all investments made of such interest shall be for the use of the same class from which it was collected.

Collection and investment of interest.

Reports of collections.

Sec. 21. The members of the sinking fund commission shall at all times so increase their bonds, with good and sufficient sureties, so that the same shall not be less than the amount of money then held by said commission, the forfeiture of said bonds being payable to the town of Wilson.

Bonds of sinking fund commissioners.

Sec. 22. The treasurer of the town of Wilson shall, from time to time, so increase his bond that at all times it shall equal in amount the amount of money held by him for the use and benefit of the town of Wilson.

Bond of town treasurer.

Warrants for payments.

Sec. 23. All bills and accounts paid by the board of public works shall be paid by warrant or order drawn by said board on the treasurer of the town of Wilson, which warrant shall constitute and be a voucher for such payment and shall state in its face for what purpose the said warrant or order is drawn and to what account it shall be charged, whether to street improvement or power enlargement.

First and last installments of interest.

Sec. 24. The first installment of interest on either or both classes of bonds herein provided for shall be computed from the date of issue of said bonds to the first regular semiannual period fixed herein for the payment of interest on said bonds and the last interest coupons of said bonds of either and both classes shall be for the interest on said bonds from the preceding semiannual period of payment of said interest to the date of maturity of said bonds.

When act effective.

Sec. 25. If a majority of the qualified voters at the said election held hereunder shall vote "For Street Improvement" or "For Enlargement of Power Plant" or for both, this act shall be in full force and effect, and nothing herein shall be construed to make one of the improvement propositions dependent upon the other.

Sec. 26. All laws in conflict herewith are hereby expressly repealed.

Sec. 27. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 202.

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO ISSUE BONDS FOR PUBLIC IMPROVEMENT.

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount. Denominations. Purpose of issue.

Section 1. That the city council of the city of Kinston is hereby authorized to issue coupon bonds of the said city in an amount not exceeding one hundred thousand dollars, in such denominations as may be fixed by said city council, in order to provide funds with which to pave and generally improve the streets of said city, with which to enlarge and extend the waterworks and sewerage system of said city, with which to enlarge and better equip its electric light plant, with which to install an electric fire-alarm system, and with which to erect municipal buildings as the city council may deem proper.

Bonds issued in classes. Limit of maturity.

Sec. 2. The city council may divide the said bonds into classes and have them mature at different and convenient dates to be fixed by the city council; but none of these said bonds shall ma-

ture later than the first day of January, one thousand nine hundred and fifty-three. The said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the city of Kinston and countersigned by the clerk of said city, and shall have the corporate seal of said city affixed thereto; and the coupons thereto attached shall bear the lithographic facsimiles of the signatures of said mayor and said clerk. Authentication.

Sec. 3. That the bonds hereby authorized to be issued shall not be sold below par and shall bear the lowest rate of interest obtainable, not exceeding five per centum per annum; that records shall be kept of the said bonds, showing the numbers and denominations thereof, to whom sold, the dates of issuing thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of said bonds and the date of paying the proceeds into the city treasury, and such other dates in relation to the same as the city council may direct to be kept. Sale below par forbidden. Interest. Record of bonds.

Sec. 4. That the moneys derived from the sale of the said bonds shall be paid to and received by the treasurer of the city of Kinston, and shall be held by him as a special fund of said city until expended for the purposes and as mentioned in section one of this act; no part of the said money shall be disbursed except as ordered by the city council, and the treasurer of said city shall give and maintain a bond for the faithful accounting for all of said money which may be paid into his hands, which bond shall be approved by the city council, and if approved shall be paid for from the funds realized by the sale of said bonds. Moneys paid to treasurer. Special fund. Orders for disbursements. Bond of treasurer.

Sec. 5. The mayor and city council shall have the right, power, and authority to assess not exceeding two-thirds of the cost of grading, paving, and otherwise improving the sidewalks of said city, including the necessary and proper curbing for the same, on real estate abutting on the streets and on the side of the street on which the sidewalk shall be so improved, and each lot shall be charged with its ratable proportion of said assessment, according to its frontage. Apportionment of costs of sidewalks.

Sec. 6. The mayor and city council shall have the right, power, and authority to assess not exceeding one-third of the cost of the grading, paving, macadamizing, constructing side-drains, cross-drains, and all other necessary drains and crosses, or otherwise improving the roadway or street proper, on the real estate abutting on each side of the street so improved or repaired, and each lot shall be charged with its ratable proportion of said assessment according to its frontage. Apportionment of cost of street work.

Sec. 7. The amount of the assessment of such street improvement and for sidewalks as authorized by this act, on each piece of real estate or lot, shall be a lien on such real estate or lot, and the amount of said lien and of said assessment against all property abutting on any street or streets so improved as aforesaid shall become due as follows, to wit, in three equal installments, payable three, six, and nine months from the date of assessment. Assessments a lien on lots. Due in installments.

Extent of power.

Sec. 8. The right, power, and authority for assessing property as in this act provided for street improvements shall extend to and include all of the streets of the city of Kinston; and in addition to the rights, powers, and authority herein expressly given, in order to more effectually carry out said powers and authority, the said city of Kinston is hereby vested with all of the powers and authority delegated to it by chapter three hundred and thirty-eight of the Private Laws of one thousand nine hundred and five, together with and including such power and authority as it then held with reference to such class of street improvement. The procedure in assessing the real estate as herein provided and in carrying the powers and authority hereinbefore mentioned into effect shall be in accordance with chapter three hundred and thirty-eight of the Private Laws, one thousand nine hundred and five.

Procedure for assessment.

Bond issue to be approved by voters.

Sec. 9. That the bonds as hereinbefore mentioned, or any of them, shall not be issued until their issuance shall be approved, and the city council shall be authorized to issue them, by a vote of a majority of the qualified voters of the city of Kinston at an election to be held at such time as the city council shall appoint, of which election a notice shall be given for thirty days by public advertisement in some newspaper published in the city of Kinston. At such election the electors favoring the issue of said bonds, and favoring the levy and collection of taxes sufficient to pay the interest on said bonds and to create a sufficient sinking fund to retire the said bonds at maturity, should the city council elect to so retire them, shall vote a ballot on which shall be written or printed the words "For Bonds," and the electors opposing the issue of said bonds and the levy and collection of said taxes shall vote a ballot on which shall be written or printed the words "Against Bonds."

Notice of election.

Ballots.

Registration.

Sec. 10. The registration books for said election shall be opened and closed as provided in section two thousand nine hundred and fifty-two of the Revisal of one thousand nine hundred and five of North Carolina, and the said election shall be held under the same rules and regulations not inconsistent with the provisions of this act as are prescribed for town and city elections by chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, but the voting place at said election for all of the electors for the city of Kinston shall be at the Lenoir County courthouse; and at the time the city council shall call the election herein provided for they shall do any and all things necessary and proper for holding said election.

Law governing elections.

Voting place.

Special tax.

Sec. 11. If the said bonds shall be issued as herein provided for, there shall be annually levied and collected in the same manner as other city taxes are levied and collected a tax sufficient to pay the interest or coupons on said bonds, and there may be also levied and collected in the same manner a tax sufficient to

create a sinking fund sufficient for the retirement of said bonds at maturity, or the retirement of said bonds may be otherwise provided for. The proportion of said taxes as between property and polls shall be as required by the Constitution of North Carolina. If the sinking fund shall be created as herein provided for, the city council may provide for the handling and investment thereof in any manner and upon any security to be approved by them, and in the event a trustee shall be by the city council appointed for the purpose of handling or investing said funds, should it be created, said trustee shall be allowed such compensation as the city council may order, but in any event any investment of said funds or any loan made shall be approved by the city council.

Constitutional equation.

Investment of sinking fund.

Compensation and bond of trustee if appointed.

Approval of investments.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 203.

AN ACT TO EXTEND THE OXFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the Oxford Graded School District, as provided in chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three, be and the same is hereby extended so as to embrace also all that territory within one mile of the courthouse in the town of Oxford.

Territory extended.

Sec. 2. That the board of commissioners of the county of Granville are hereby required to submit to the qualified voters residing within said territory, including the town of Oxford, on such date as the board of graded school trustees of Oxford shall request, after thirty days notice, the question whether said graded school district shall be so extended and the taxes hereinafter provided levied, and said election shall be held under and governed by the provisions of law relating to municipal elections except as hereinafter provided; and the board of commissioners of said county shall appoint the registrar and poll-holders, and shall receive the report of said registrar and poll-holders after said election, and shall declare the result of said election.

Election on extension and tax.

Law governing election.

Election officers.

Returns.

Declaration of result.

Sec. 3. That at the election held under the provisions of this act those favoring the extension of said graded school district shall vote a ballot with the words "For Extension of Graded School District" written or printed thereon, and those opposed to the

Ballots.

extension of said graded school district shall vote a ballot with the words "Against Extension of Graded School District" written or printed thereon.

Tax if extension prevails.

Sec. 4. That if a majority of the qualified voters within said territory shall favor the extension of said graded school district and the levy of the taxes in support and maintenance thereof, it shall be the duty of the board of commissioners of said county of Granville to annually levy a tax, such as the board of graded school trustees and its successors shall require, not exceeding thirty cents on the one hundred dollars valuation of all property within said district outside of the town of Oxford and upon each poll within said district outside the town of Oxford not exceeding ninety cents, for the support and maintenance of said graded schools, and the taxes so levied shall be in all cases the same as that levied within the said town of Oxford. And said taxes on property and polls within said district outside the corporate limits of said town shall be due and collected by the sheriff of the county of Granville as are other taxes and by said sheriff paid to the treasurer of the board of graded school trustees.

Limit of rate.

Collection and settlement.

Act operative in whole territory.

Sec. 5. That if a majority of the qualified voters within said territory shall favor the extension of said graded school district and the levy of such tax, the act entitled "An act to establish graded schools in Oxford," being chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three, and acts amendatory thereof, shall become operative over the whole of the said territory, except wherein the same is inconsistent with the provisions of this act, and the board of graded school trustees may divide said territory into such subdistricts as in their judgment may be for the best interest of the schools.

Subdistricts.

Effect of defeat of extension.

Sec. 6. That if a majority of the qualified voters within said territory shall not favor the extension of said graded school district and the levying of such tax, then and in that event nothing herein contained shall be construed to alter or repeal any of the provisions of chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three and acts amendatory thereof.

Registration.

Sec. 7. That at the election herein provided for it shall not be necessary for any qualified voter registered in the town of Oxford for municipal elections to register again for said election, but the registration books of said town shall be sufficient evidence of registration, within the meaning of this act, of all qualified voters residing within said town, and the polling place for said election shall be the courthouse in Oxford.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 204.

AN ACT TO INCORPORATE THE SOUTH MILLS, PORTSMOUTH AND ELIZABETH CITY RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That R. L. McMurren, E. Anthony, J. F. Pace, H. A. Shannon, Frank C. Hanrahan, L. O. Nicholson, O. L. Williams, J. H. Belote, W. F. Robertson, S. H. Simcoe, J. P. Mason, A. B. Jarvis, C. N. Markham, J. A. Person, J. M. Wakefield, S. H. Corwine, D. M. Pierce, Eugene R. Brinkley, L. Kootz, J. L. Schmiche, C. N. Ashton, W. I. Halstead, C. E. Riggs, J. F. Foster, W. H. Powell, J. G. Etheridge, D. E. Williams, G. F. Spencer, B. W. Cohn, J. W. Johnson, and their associates, successors, and assigns, be and they are hereby created a body politic and corporate by and under the name of South Mills, Portsmouth and Elizabeth City Railway Company, and by that name shall exist for ninety-nine years, with the right to have and to use a common seal, to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether in law or equity; to contract and be contracted with; to purchase or acquire, by gift or devise, property, real and personal and mixed; to hold, lease, and sell the same, as the interest of said company may require, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of North Carolina.

Corporators.

Corporate name.
Term of incorporation.
Corporate powers.

Sec. 2. The said company shall have and it is hereby given the right and power to locate, construct, equip, maintain, and operate, by steam power, electric power, gasoline or kerosene oil power, or power in any form, now or hereafter in use for driving and propelling cars or carriages, a railroad or any part thereof, upon one or more tracks, standard-gauge or otherwise, from some point at, in, or near Elizabeth City, North Carolina, thence in a general northerly course through the counties of Camden and Pasquotank by way of South Mills, in Camden County, to some point on the line between the States of Virginia and North Carolina, where in the discretion of the company it will be more advantageous to the company in extending its road to Portsmouth, Virginia; and it may also construct, maintain, and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion, and operation of such railroad; and for these purposes it shall have the power to construct dams, culverts, trestles, and bridges over and across natural or artificial streams and depressions, and it shall have the right to cross any navigable waters on its route; and it shall have the right to cross at grade or over or under, to intersect, join, or unite its railway with any other railway now constructed or that may be hereafter constructed in this State

Power to locate, construct, maintain, and operate railroad.

Termini and routes.

Branch lines.

Dams, culverts, trestles, and bridges.
To cross navigable waters.

Crossing, joining with, or intersecting with other railroads.

Turnouts, switches, and sidings.
Powers at intersections.
Stations and schedules.
Telegraph and telephone lines.
Charges and rates.

upon the ground or right of way of such other companies at any point on its route, and to build the necessary turnouts, switches, sidings, and other conveniences in furtherance of the object of its construction or operation; and may, in making any intersections with any other road, have all the rights, powers, and privileges conferred upon railroads by chapter sixty-one of the Revisal of one thousand nine hundred and eight or any act of the General Assembly amendatory thereof. Said company shall have the right to locate such station or stations along its railroad and arrange such schedule or schedules for the running of its passenger or freight cars or trains as it may think proper, and shall have the power to construct, build, own, purchase, lease, maintain, and operate telegraph and telephone lines along its line of railroad or branches thereof wherever it may be deemed expedient, and to charge, receive, and collect such charges and rates for the use of the same and for the transmission of messages thereon as may be deemed desirable.

Right of survey.
Power to condemn land.
Procedure for condemnation.

Sec. 3. That in order to carry into effect the purposes of this act, said company may survey such route for its line or lines of railway and for its ways and means of transmission of power as may be deemed practicable; and if any lands of individuals or corporations, or any easement, privilege, or right of way shall be found necessary for the construction and operation of said line or lines of railway, its branches or sidings, of standard width, and all other equipments necessary to the construction and operation of its aforesaid businesses, and if unable to agree with the owners thereof upon the compensation therefor, said company shall have right to acquire title to the land or to an easement, privilege, or right of way therein, in the manner and by the special proceedings prescribed by chapter sixty-one, volume one, Revisal of one thousand nine hundred and eight, entitled "Railroads."

Use of roads, highways, and streets.

Sec. 4. Said company shall have the right to use any public road or highway of Pasquotank County, or Camden County, or any streets of any town or village in or through which it may run, for the construction and operation of its railroad, cars, poles, lines, or other equipment, under such reasonable regulations as the authorities controlling such roads, highways, or streets shall upon application of the company prescribe.

Exclusive right to carry passengers and freight.
Right of transportation and to collect charges.

Sec. 5. Said company, its successors or assigns, shall have exclusive right to carry and transport passengers and freight over and along said road and its branches at such rate as such company may prescribe, subject to such general laws regulating the same as the General Assembly from time to time establish; and it shall have the right to transport all manner of goods, United States mail, or other property, and make and collect charges therefor; and to make, fix, charge, and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Capital stock.
Shares.
Increase of capital.
Stock vote.
Minimun capital.
Payment for stock.

Sec. 6. The capital stock of the said railway company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each. The Secretary of State is authorized to amend this charter, increasing the capital stock, from time to time, as the board of directors of the company may desire, upon the payment to him of the fees and taxes as provided by law. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and fifty thousand dollars shall be the minimum subscription on which said company may be organized. The company may receive cash, labor, material, bonds, stock contracts, real or personal property, in payment of subscriptions to the capital stock.

Call of meeting for organization.
Notice of meeting.
Quorum.
Election of directors.
President and other officers.

Sec. 7. That when the sum of fifty thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of at least three of the corporators above named to call a general meeting of the corporators and subscribers of stock of said company, of which meeting ten days notice of the time and place shall be given to each corporator and to each subscriber for stock; and if the majority of stock then subscribed for shall be represented in person or by proxy at said meeting, such stockholders shall proceed to elect a board of directors, to consist of five or nine stockholders; and said directors at said meeting or thereafter shall proceed to elect one of their members president, and shall also elect such other officers as the by-laws may prescribe, and may do and perform all other acts necessary to the complete organization of said company.

Books of subscription.

Sec. 8. That for the purpose of creating capital stock for said company, any three of the incorporators above named may open books of subscription to said capital stock, at such times and places as they may appoint, and keep the same open for such time as they may determine, under such rules and regulations as the majority of such corporators may prescribe.

Power to acquire other railroads and turnpikes.
Power of consolidation.
Power to lease property and franchise.

Sec. 9. The said company shall have the power to take, by purchase, lease, or otherwise, any railroad franchise and property and turnpike now constructed or that may be hereafter constructed, in or out of the State. It shall have the power to consolidate its franchise or property with any other road, under such name as may be agreed upon. It may assign or lease its property or franchise, or any part thereof, to any other railroad, and the road so leasing or purchasing this road shall hold, own, and enjoy all the property and franchises so leased or purchased, as though they had been originally held and constructed by the railroad so leasing or purchasing the same, and the road so leasing or purchasing the same shall be entitled to all property, franchises, privileges, and immunities belonging to or pertaining to the road created by this act: *Provided*, that nothing in this act shall be construed to allow the said railroad to become the channel through which any competing railroad company shall consolidate. The said company

Proviso; competing roads.
Subscription to other corporations.

may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State, or elsewhere, and hold shares in same. It shall have power to use any section or portion of this road before the whole of the same shall have been completed, and charge for the transportation of passengers and freight thereon.

Power to use part of road before final completion.

Power to hold real estate.

Powers in improving real estate.

Sec. 10. That said company shall have the right and power to purchase, acquire, lease, own, hold, rent, improve, and develop real property in such quantities as may be deemed expedient; to lay out and plat any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites, and other convenient forms, and to lay out, plat, and dedicate to the public use, or otherwise, streets, avennes, alleys, and parks.

Right of water transportation.

Sec. 11. That the said company shall have the right to construct, acquire, own, and operate steamboats, gas boats, sailing vessels, or other boats for the transportation of freight and passengers over the navigable waters of this State or elsewhere, subject to the general laws regulating such traffic.

Power to borrow money and issue and sell bonds.

Sec. 12. That the said company is also given power and authority to borrow such sums of money as may be necessary for its purposes from time to time, and for such loans to issue its bonds bearing the legal rate of interest; to sell, exchange, and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereupon by a deed of trust and mortgage, conveying its roadbeds, property, and franchises in whole or in part. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denominations and running for such a time and bearing interest at such a rate and payable at a time and place as the board of directors may direct, to be sold or hypothecated by the directors of said company; and to secure payment of same, the company is authorized to execute a mortgage, to such person or corporation as the company may select, on all real or personal estate of said company, together with all of its franchises and privileges, or, in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed on such separate section and in such manner as the company may direct.

To secure bonds by mortgage.

Issue of bonds.

Execution of mortgage.

By-laws, rules and regulations.

Sec. 13. The stockholders of said company, or board of directors under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such times and places as the stockholders and board of directors may respectively prescribe.

Meetings of stockholders and directors.

Election and term of directors.

Sec. 14. The board of directors shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of its election and until its

successors are elected and qualified, and it shall choose from among its number a president, vice president, secretary and treasurer; but one or more of said offices may be held by the same person. Officers.

Sec. 15. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults, or acts of the corporation, and no stockholder shall be liable to pay for more stock than he has subscribed for. Stockholders not personally liable.

Sec. 16. That the principal office of said company shall be at South Mills, North Carolina, and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe. Principal office. Branch offices.

Sec. 17. That the conductors and drivers and other servants and agents of said company, while in the active service of said company or in the discharge of duty connected therewith, are vested with the same power, authority, and privileges which belong to similar officers and agents of railroad companies in this State, as provided by chapter sixty-one of the Revisal of one thousand nine hundred and eight; and in addition to such general powers conferred upon such officers and agents, they may eject and remove all drunken, profane, and disorderly persons from any of the conveyances or cars of said company at any time, whether the fares of said drunken, profane, or disorderly person or persons are paid or not, and the said company shall not be liable or responsible for damages therefor, and such agents or officers shall not be liable, civilly or criminally, therefor, unless he use greater force than may be necessary to eject such person or persons. Powers of conductors, drivers, and other servants and agents. Power to remove drunken, profane, and disorderly persons. Responsibility for removal.

Sec. 18. That for the purpose of aiding and raising the capital stock of said company, in addition to private subscriptions provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad or branches may be located, or which is interested in its construction, to subscribe to the capital stock of said company such sum in bonds as the proper authorities of said county, township, city or town may be authorized, lawfully, by the legally qualified voters residing within said county, township, city or town in the manner provided by law. Municipalities may subscribe to stock.

Sec. 19. That said company shall be authorized and empowered to begin construction and operation of said railroad at any place or places along its route, and may have three years from the ratification of this act in which to begin the construction of said railroad. Place and time of beginning construction.

Sec. 20. This act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 205.

AN ACT TO AMEND THE CHARTER OF THE CITY OF KINSTON, CHAPTER 578 OF THE PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

Section 1. That chapter five hundred and seventy-eight of the Public-Local Laws of one thousand nine hundred and eleven be amended by striking out the words "The city attorney shall receive such salary as shall be fixed by the city council at the beginning of his term, and said compensation shall not be increased or diminished during his term of office," at the beginning of subsection four in section twenty-five, and inserting in lieu thereof the following words: "The city attorney shall receive for his services such compensation as shall be fixed by the city council."

Salary of city attorney.

Sec. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 206.

AN ACT TO PROVIDE FOR BOND ISSUE IN ROSEBORO SPECIAL SCHOOL DISTRICT, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

School committee incorporated.

Section 1. That the present members of the school committee, to wit, D. W. Culbert, A. M. Hall, and M. M. Sessoms of the Roseboro Special School-tax District (District Number Two, Little Coharie Township, Sampson County), be and they are hereby made a body corporate under the name of "The Board of Trustees of Roseboro Graded Schools," and as such may adopt and use a common seal, and the members thereof shall hold office for the time they were appointed as school committeemen for said district, and their successors shall be appointed in the same manner and for the same term as is now provided by law for the appointment of school committeemen. The said corporation shall be vested with all the rights, privileges, and powers heretofore held and enjoyed by, and be subject to all the duties and obligations heretofore devolving upon, the school committee of said special-tax district.

Corporate name.

Corporate powers.

Term of office.

Election and term of successors.

Rights, privileges, and powers vested.

Bond issue authorized.

Sec. 2. That for the purpose of raising money to build and equip a new graded school building for the Roseboro Graded School District, the board of trustees of said graded school district are hereby authorized and empowered to issue bonds to an amount not exceeding ten thousand dollars ($10,000), thirty years

Amount, maturity, and interest.

(30 years) five per cent (5%) coupon bonds, in denominations of not less than one hundred dollars nor more than five hundred dollars each, with interest payable semiannually on the first days of January and July of each year, said bonds and interest coupons payable at the Bank of Roseboro, North Carolina. Said bonds shall be signed by the chairman and attested by the secretary, and the corporate seal of said The Board of Trustees of the Roseboro Graded School District thereunto attached, and the coupons on and attached to said bonds shall bear the signature or the printed facsimile of the signature of the said chairman. Denominations. Authentication.

Sec. 3. That said bonds shall not be sold for less than par, and the proceeds derived from the sale of the same shall not be used for any purpose other than that mentioned in this act. By this provision, however, no duty is imposed upon the purchasers of said bonds to see how the proceeds of the bonds by them purchased are used, but this provision applies only to the officers of the said Roseboro Graded School District. Said bonds shall be exempt from all taxation, general or special, for county or municipal purposes. Sale below par forbidden. Specific appropriation. Purchasers not responsible for application. Bonds exempt from county and municipal tax.

Sec. 4. That for the purpose of paying the interest on said bonds, and to create a sinking fund to provide for the retirement of said bonds at maturity, the board of county commissioners of the county of Sampson shall, annually, at the time of levying other taxes, levy, lay, and assess a special tax on all taxable polls within said Roseboro Graded School District of not exceeding forty-five cents each, and levy, lay, and assess a special tax on all personal and real property subject to taxation within said district not exceeding fifteen cents on the one hundred dollars valuation. That the taxes herein provided for shall be collected by the Sheriff of Sampson County in the same manner as provided by law for the collection of general taxes, and turned over to the treasurer of the Roseboro Graded School District, who shall keep the same separate and apart from all other taxes or funds he may have in hand or may receive, which shall be designated as "Bond Funds." That out of said bond funds the treasurer aforesaid shall, annually, prior to January first, set apart a sufficient amount to pay the interest on the bonds sold and outstanding, and annually, on or before the first Monday of July following, the remainder of said bond funds or taxes paid shall be set aside to the sinking fund. Special tax. Limit of rate. Collection and settlement of tax. Fund kept separate. Designation of funds. Payment of interest. Sinking fund.

Sec. 5. That upon the ratification of this act by the electors of the Roseboro Graded School District, the trustees of said district shall elect a treasurer of said graded school district, whose duty it shall be to receive and properly account for all funds turned over to him by the Sheriff of Sampson County, together with four per cent interest per annum upon that part of said funds set apart for a sinking fund; which interest shall be payable semiannually from and after thirty days after receipt of same Election and duty of treasurer. Interest of sinking fund.

Bond of treasurer.

from said sheriff. Said treasurer, before he enters upon the discharge of the duties of his office, shall give a bond payable to the State of North Carolina in a sum double the amount of money which is estimated will come into his hands during his term of office, and conditioned for the faithful performance of his duty and honestly accounting for all moneys coming into his hands by virtue of his said office. Such treasurer shall biennially thereafter be elected by the board of trustees of Roseboro Graded School District, and shall give bond as above provided. The commissions of said treasurer shall be fixed by the said board of trustees, and the same shall not exceed one-half of one per cent on receipts and one per cent on disbursements.

Term of treasurer.

Commissions of treasurer.

Act to be submitted to voters.

Sec. 6. That before the bonds provided for herein shall be issued, this act shall be submitted to the qualified voters of Roseboro School District for their approval or rejection at an election to be ordered by the board of commissioners of Sampson County to be held in said district at such time as may be designated in the petition of the board of trustees of said district, and notice of said election shall be published for thirty days prior to the date of holding the same. Each voter who shall be in favor of issuing bonds as herein provided for shall cast a ballot, written or printed, containing the words "For Bonds," and each voter who shall be opposed to issuing said bonds as herein provided for shall cast a ballot, written or printed, containing the words "Against Bonds." The number of ballots cast for bonds and against bonds shall be counted and the result certified to the Register of Deeds of Sampson County, who shall furnish to the chairman of the board of trustees of Roseboro Graded School District a certified copy of said returns, and forward a like copy to the Secretary of State, who shall file the same in his office, and the original shall be recorded and filed by the Register of Deeds of Sampson County as by law required in the cases of special elections. An election resulting unfavorably to the issue of said bonds and levy of said tax shall not exhaust the power of said board to submit the question of levying said tax and issuing said bonds at another and subsequent election to be held as herein provided for at any time within two years from the date of first election.

Notice of election.

Ballots.

Count and certificate of result.

Copies furnished.

Record of election.

Further election.

Registration.

Sec. 7. That for the election provided for in this act, there shall be an entire registration of the voters of said graded school district, and if the first election shall result unfavorably to the issue of bonds and levy of tax, but the second election shall result favorably to such proposition, then and in that event it shall have the same force and effect as if no election had been previously held.

Law governing election.

Sec. 8. That said election shall be conducted under the same rules, regulations, and penalties as are prescribed by law for the election of members of the General Assembly, except that the

Election officers.

registrar and poll-holders necessary for holding said election shall be appointed by the board of county commissioners of Sampson County at their regular meeting thirty days prior to said election.

Sec. 9. If at the election hereinbefore provided for, a majority of the ballots cast shall be "For Bonds," then the board of trustees of Roseboro Graded Schools shall proceed to issue and sell bonds as in this act provided for, or so many thereof as may be necessary in the discretion and judgment of the said board of trustees for the purposes aforesaid. Effect of election.

Sec. 10. That in the event said bonds are issued as provided for in the preceding sections, the proceeds derived from sale thereof shall be used by the trustees aforesaid for the purpose of erecting a modern brick graded school building and equipping the same. That the trustees aforesaid, immediately upon the ratification of this act by the voters of said district, shall proceed to get plans and specifications for the proposed new building and proceed to have said building erected as soon thereafter as practicable. Use of proceeds. Plans and specifications. Erection of building.

Sec. 11. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 207.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROSMAN IN THE COUNTY OF TRANSYLVANIA.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and five of the Private Laws of one thousand nine hundred and five be amended as follows: Strike out section three of the said chapter and insert in lieu thereof the following: "The corporate limits of said town shall be as follows, to wit: Beginning on a stone in the French Broad River at Eastatoe Ford, and runs thence north fifty-eight degrees east with the old road leading from the said ford to a stone in the road at the southeast corner of the old Toxaway Company's tract; thence with the old Toxaway Company's line in a northerly direction to the corner of the old Toxaway Company's property in Galloway's line; and from thence with M. M. Bryant's line in a northwestwardly direction to a stone on the top of a ridge in a westwardly direction to the Toxaway Tanning Company's line; thence with the Toxaway Tanning Company's line to the French Broad River; thence up and with the meanders of the said river to the line of the Transylvania Railroad Company; thence down and with the line of the Transylvania Railroad in an eastern Corporate limits.

direction to the line of Rosman Tanning Extract Company; thence with the line of the said company to the French Broad River; thence with the said river to the beginning."

Sec. 2. That all laws or clauses of laws in conflict herewith are hereby repealed.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 208.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter two hundred and nine of the Private Laws of nineteen hundred and seven, entitled "An act to revise and consolidate the charter of the town of Rocky Mount, to be hereafter known as the City of Rocky Mount," be and the same is hereby amended as to read as follows:

Corporate limits.

"Sec. 2. That the corporate limits and boundaries of said city of Rocky Mount shall be located and defined as follows: Beginning at a point on the southern side of Tar River at the Atlantic Coast Line Railroad bridge; thence eastwardly with said river to a point where a line down the center of Atlantic Avenue as shown in the plat of the lands of J. H. Logan, trustee, if extended, would intersect the southern line of said river; thence southwardly with the said extension of the center line of Atlantic Avenue and down the center of said avenue to the center of Virginia Street; thence eastwardly with the center of Virginia Street and an extension of the center line thereof to a point eight hundred feet beyond the eastern line of Woodland Avenue; thence southwardly to the northeastern corner of Pineview Cemetery; thence southwardly with the eastern line of Pineview Cemetery to its southeastern corner; thence southwardly to a point in the center of the Wilson Road where it is crossed by a prong of Tyancokey Swamp; thence westwardly with the run of said prong of Tyancokey Swamp to the western line of the right of way of the main line of the Atlantic Coast Line Railroad; thence northwardly with the line of said right of way to the present southern boundary line of said city; thence westwardly with said boundary line of the city to a point where an extension of the western line of Hilliard Street would intersect the same; thence northwardly with said extension of the western line of Hilliard Street to the northern line of the public road leading westwardly from the Atlantic Coast Line Relief Department Hospital; thence northwardly to the New South Development Company's southwestern corner; thence northwardly with the New South Development Company's western line to the center of the Raleigh Road; thence westwardly with the

center of the Raleigh Road to the southeastern corner of the G. A. Sessoms lot; thence northwardly with the line of the Sessoms lot to its northeastern corner; thence northwardly to the most westwardly point in the lands of the Tar River Lumber Company; thence northwardly with the western line of the lands of the Tar River Lumber Company and an extension thereof to the center of Sunset Avenue; thence northwardly to the southwestern corner in the boundary line of the town of Rocky Mount Mills; and thence eastwardly with the boundary line of the town of Rocky Mount Mills and Tar River to the beginning."

Sec. 2. That section three of said act be and the same is hereby amended as follows:

(1) By striking out all of the subsection descriptive of the First Ward of said city after the word "thence," in the seventh line, and adding in lieu thereof the following words: "northwardly with the center of said railroad to a point in the center of Ricks Street where said railroad crosses the same; thence northwestwardly with the center of said street and an extension of the center line thereof to the western boundary line of said city; thence southwardly with said boundary line of the city to the center of Sunset Avenue; and thence eastwardly with the center of Sunset Avenue to the beginning." First ward.

(2) By striking out all of the subsection descriptive of the Second Ward of said city after the third line, and adding in lieu thereof the following words: "an extension of the center line of said street to the eastern boundary line of said city." Second ward.

(3) By striking out all of the subsection descriptive of the Third Ward of said city after the word "avenue" in the tenth line, and adding in lieu thereof the following words: "and an extension of the center line of said street to the eastern boundary line of said city; thence northwardly with said boundary line of the city to a point where the southern boundary line of the Second Ward intersects the same; and thence westwardly with said boundary line of the Second Ward to the beginning." Third ward.

Sec. 3. That section twenty-four of said act be and the same is hereby so amended as to read as follows:

"Sec. 24. That a court of limited civil and criminal jurisdiction, to be known as the Recorder's Court of Rocky Mount, is hereby established." Recorder's court.

Sec. 4. That all of said act from section twenty-eight to section thirty-eight, inclusive, be and the same is hereby stricken out, and the following inserted in lieu thereof:

"Sec. 28. That said recorder's court is hereby vested with and shall exercise civil jurisdiction as follows: Civil jurisdiction.

"(1) Concurrent original and final jurisdiction with courts of justices of the peace of all civil actions and proceedings ancillary thereto, which are now or may be hereafter within the jurisdiction of said justices' courts. Concurrent with justices of the peace.

Concurrent with superior court.

"(2) Concurrent original and final jurisdiction with the Superior Courts of all civil actions founded on contract wherein the sum demanded shall exceed two hundred dollars and shall not exceed five hundred dollars, and wherein the title to real estate shall not be in controversy, and of all proceedings ancillary thereto.

In actions on tort.

"(3) Concurrent original and final jurisdiction with the Superior Courts of all civil actions growing out of tort, including actions for the recovery of specific personal property, wherein the sum demanded, or the value of the property in controversy, shall exceed fifty dollars and shall not exceed two hundred dollars, and of all proceedings ancillary thereto.

For recovery of forfeited bonds, undertakings, and recognizances.

"(4) Concurrent original and final jurisdiction with such other courts as may be clothed with jurisdiction to hear and determine the same of all civil actions for the recovery of forfeited bonds, undertakings and recognizances returnable to or entered into before said recorder's court, with power to dispose of all moneys thus recovered in the manner prescribed by law.

Criminal jurisdiction.

"Sec. 28 (*a*). That said recorder's court is hereby vested with, and shall exercise criminal jurisdiction as follows:

In misdemeanors committed within city.

"(1) Exclusive, original, and final jurisdiction of all misdemeanors, as defined in section three thousand two hundred and ninety-one of the Revisal of nineteen hundred and five, when committed within the corporate limits of the city of Rocky Mount.

In cases of larceny and receiving.

"(2) Exclusive original and final jurisdiction of the offenses of larceny and of receiving stolen goods knowing them to have been stolen, as defined in section three thousand five hundred and seven of the Revisal of nineteen hundred and five, wherein the crime charged and proven shall be the first offense and the value of the property stolen shall not exceed twenty dollars, when committed within the corporate limits of the city of Rocky Mount.

In misdemeanors within three miles of city.

"(3) Concurrent, original, and final jurisdiction with courts of justices of the peace of all misdemeanors within the final jurisdiction of said justices' courts, when committed outside of the corporate limits of the city of Rocky Mount and at a distance of not more than three miles therefrom.

Concurrent with recorder's court o Nash and Edgecombe counties as to misdemeanors.

"(4) Concurrent, original, and final jurisdiction with the recorder's courts of Nash and Edgecombe counties of all misdemeanors, as defined in section three thousand two hundred and ninety-one of the Revisal of nineteen hundred and five, and not within the jurisdiction of courts of justices of the peace, when committed outside the corporate limits of the city of Rocky Mount and at a distance of not more than three miles therefrom.

Concurrent with recorder's court of Nash and Edgecombe counties in larceny and receiving.

"(5) Concurrent, original, and final jurisdiction with the recorder's courts of Nash and Edgecombe counties of the offenses of larceny and of receiving stolen goods knowing them to have been stolen, as defined in section three thousand five hundred and seven of the Revisal of nineteen hundred and five, wherein the

crime charged and proven shall be a first offense and the value of the property stolen shall not exceed twenty dollars, when committed outside the corporate limits of the city of Rocky Mount, and at a distance of not more than three miles therefrom.

"(6) Concurrent jurisdiction with courts of justices of the peace and such other courts as are or may be clothed with like authority to examine into all other criminal offenses of which original and final jurisdiction is not hereinbefore conferred upon said recorder's court, when committed within the corporate limits of the city of Rocky Mount, or outside the corporate limits of said city, and at a distance of not more than three miles therefrom, and, upon probable cause being shown, in like manner as in courts of justices of the peace, to bind over to the Superior Court having final jurisdiction thereof, or, if a capital felony be charged, to commit the accused to jail, without bail, to await trial. In preliminary hearings.

"Sec. 29. That all civil actions instituted in said recorder's court shall be commenced by summons, to be issued by the recorder, and in which the venue of the action as determined by the provisions of chapter twelve, subchapter seven, of the Revisal of nineteen hundred and five, shall sufficiently appear. In all such actions of which said recorder's court and the courts of justices of the peace shall have concurrent jurisdiction the practice and procedure in matters relating to issuing the summons, the service and return of summons, the rules of pleading, the trial of the cause, the entry of judgment and docketing the same, the issuing of execution, and other like proceedings, shall, except as herein otherwise provided, conform as near as may be to the like practice and procedure in courts of justices of the peace; and, in all such actions of which the said recorder's court and the Superior Courts shall have concurrent jurisdiction the summons shall be made returnable not more than thirty days from the date of its issuance, and, unless the time for pleading shall be enlarged by order of court, the complaint shall be filed within the first five days after the return of the summons, and the answer or demurrer thereto within five days after the filing of the complaint, at the expiration of which time the cause shall stand for trial; and, in other respects, the practice and procedure in matters relating to issuing summons, the service and return thereof, the rules of pleading, the trial of the cause, the entry of judgment, and other like proceedings shall, except as herein otherwise provided, conform to the like practice and procedure in the Superior Courts of this State. Summons in civil actions. Practice and procedure. Summons in jurisdiction concurrent with superior courts. Time for filing pleadings. Practice and procedure.

"Sec. 29 (a). That all criminal actions instituted in said recorder's court shall be commenced by warrant, to be issued by the recorder, upon complaint under oath, as in courts of justices of the peace, and shall be prosecuted in the name of the State; and the practice and procedure in the trial of all such actions, except as herein otherwise provided, shall, as near as may be, Warrant in criminal actions. Practice and procedure.

conform to the practice and procedure in the trial of criminal causes of like dignity in the Superior Courts of this State upon indictment.

Jury trials in civil actions.

"Sec. 29 (*b*). That a jury trial may be had in any civil action instituted in said recorder's court, when demanded by any party thereto: *Provided*, that notice of such demand be filed not less than three days prior to the time at which the cause shall stand for trial. In each and every case in which a jury trial shall be demanded as aforesaid, the jury for the trial thereof shall consist of the same number of jurors as would be required for the trial of said cause in such other court or courts as shall possess concurrent jurisdiction thereof with said recorder's court; and in all such cases the jury shall be drawn from Number Twelve Township, Edgecombe County, when the venue of the action is laid in Edgecombe County, and from Rocky Mount Township, Nash County, when the venue of the action is laid in Nash County. The jury in each and every such case shall be drawn by the recorder, or by the clerk of said recorder's court, in open court, and in like manner, except as herein otherwise provided, as juries are drawn in courts of justices of the peace. For the trial of such cases as are within the concurrent jurisdiction of said recorder's court and courts of justices of the peace, a regular panel of twelve jurors shall be drawn, and for the trial of all other causes a regular panel of eighteen jurors shall be drawn; and if the need therefor shall arise, the clerk of said court shall summons such tales jurors as may be required. All such jurors shall be subject to challenge for like causes as in the Superior Courts of this State; and, in all other respects, except as herein otherwise provided, the rules governing the selection of juries in the Superior Courts shall be observed in said recorder's court. The party demanding a jury trial shall, at the time of making such demand, pay the clerk of said court a jury fee of seven dollars and fifty cents, which shall be covered into the treasury of the city of Rocky Mount to be held and disbursed, with other moneys devoted to like use, as a fund for the maintenance of said recorder's court; and the amount of the jury fee thus paid shall, on the rendition of final judgment, be taxed in the bill of costs against the party cast; and each and every juror who shall serve in the trial of any such causes shall be paid from the aforesaid fund the sum of one dollar for each and every day which he shall serve as a juror; and each and every regular juror who shall, in response to summons, attend and not serve as a juror in the trial of the cause, shall be paid from said fund the sum of fifty cents for each and every day's attendance.

Juries.

Drawing juries.

Number of jurors.

Tales jurors.

Challenges.

Jury fee.

Jury fee taxed as costs.

Pay of jurors.

Right of appeal.

"Sec. 30. That there shall be a right of appeal to the Superior Courts of either Nash or Edgecombe County, as the case may be, from the judgment rendered in each and every case tried and disposed of in said recorder's court, by either or both plaintiff and

defendant in civil actions, and by the defendant in criminal actions; and such appeal, in each and every case, shall lie to that court clothed with either original or appellate jurisdiction of like causes prior to the creation of said recorder's court. The State shall have a right of appeal in those cases enumerated in section three thousand two hundred and seventy-six of the Revisal of nineteen hundred and five, and, in all appeals taken in pursuance of the provisions of this section, the practice and procedure both in said recorder's court and in the Superior Court shall conform to the like practice and procedure in appeals from courts of justices of the peace.

Right of appeal by State.

"Sec. 31. That should said recorder's court fail to take official cognizance of any criminal offense of which exclusive original and final jurisdiction is hereinbefore conferred upon said court within twelve months of the commission of said offense, then that Superior Court to which an appeal would have lain had such cause been tried and disposed of in said recorder's court may assume original jurisdiction thereof, and try and dispose of the same.

Jurisdiction of superior court on default by recorder.

"Sec. 32. That in each and every civil action, and in each and every criminal action not within the concurrent jurisdiction of said recorder's court and courts of justices of the peace, which shall be tried and disposed of in said recorder's court, regardless of whether or not an appeal be taken from the judgment rendered therein on the rendition of final judgment, there shall be allowed and taxed, as other costs are taxed, a special recorder's fee of three dollars. All such recorder's fees, so taxed and collected, shall constitute a part of the fund hereinbefore provided for the maintenance of said recorder's court, and shall be collected, held, and disbursed as provided in the preceding section; and in all civil and criminal actions which shall be tried and disposed of in said recorder's court, regardless of whether or not an appeal be taken from judgment rendered therein, on final judgment, such other costs shall be allowed and taxed as are, in like causes, allowed and taxed in the Superior Courts of this State and in the courts of justices of the peace, dependent upon which class of courts is, under the provisions of the general law of this State regulating the jurisdiction of courts, clothed with original and final jurisdiction of such like causes.

Special recorder's fee taxed as cost.

Other costs.

"Sec. 33. That all judgments, orders, and decrees of said recorder's court shall be of the same force and validity as like judgments, orders, and decrees of other courts of this State clothed with like jurisdiction. Said recorder's court shall, in all proceedings for contempt and as for contempt in matters affecting said court, possess every power conferred upon other courts of record in like proceedings; and said recorder's court is hereby clothed with every other power usually possessed by courts of record of this State which may be necessary for the fullest and freest exercise of the specific powers herein conferred.

Force and validity of judgments.

General powers.

Sentences.

"Sec. 33 (*a*). That the recorder in sentencing any male person convicted in said recorder's court of any crime punishable by imprisonment in the common jail may, in his discretion, sentence such person to imprisonment in the city prison of Rocky Mount, to be worked upon the public roads or other public works of said city or upon the public roads of the Rocky Mount Road District, or to be imprisoned in the common jail of Nash County or in the common jail of Edgecombe County, to be worked upon the public roads of said road district, or upon the public roads of any other county or road district in this State which shall have made provision for working its public roads with convict labor.

Seal of court.

"Sec. 34. That said recorder's court shall have a seal, upon which shall be inscribed the words 'Recorder's Court of Rocky Mount, State of North Carolina,' together with such other words or device as may be prescribed by the board of aldermen of said city; and the recorder shall be the custodian of said seal, and the same shall be, by said recorder, affixed to all summonses and warrants of arrest and other writs, process and precepts of said recorder's court, when required by law to be attested by seal.

Custody and use of seal.

Officers to whom process may issue.

"Sec. 34 (*a*). That the recorder may, in accordance with the usual custom and practice of courts, except as herein otherwise provided, issue the summons or warrant of arrest or other writ, process, or precept of said recorder's court in any and all such cases as to him shall seem necessary or proper, to the chief of police or any other policeman of the city of Rocky Mount, or to the chief of police or any other lawful officer of any other city or town in this State, or to the sheriff or any constable or other lawful officer of any county in this State; and any and all such summonses and warrants of arrest and other writs, process, and precepts of said recorder's court shall, when without seal, run throughout the counties of Nash and Edgecombe, and shall, when attested by seal, run throughout the State, and shall be executed by any and all officers to whom directed.

Validity of process.

Clerk of court.

"Sec. 35. That the board of aldermen of said city shall require the city clerk to attend upon the sittings of said recorder's court for the purpose of discharging, as clerk *ex officio* of said court, the duties hereinbefore imposed upon such clerk; and, in addition to the duties hereinbefore imposed upon the clerk of said court, he shall keep such dockets and other records of the proceedings of said recorder's court as shall be necessary or proper; collect all fines imposed and all costs allowed in said court; account for and pay over to the proper officers and other persons entitled to receive the same all moneys collected under color of office; prepare and submit such reports as shall be required by said board of aldermen; and, in substantial conformity with the practice of clerks of the Superior Courts of this State in performance of their clerical and ministerial functions, he shall exercise such other powers as may be necessary or proper in the discharge of

Dockets and records.

General enumeration of duties.

the duties of his said office: *Provided*, that the city clerk may, with the consent and approval of the board of aldermen of said city, assign a deputy clerk to the performance of the duties of said office. Proviso: deputy clerk.

"Sec. 36. That all prosecutions of criminal actions in said recorder's court shall be conducted by the prosecuting attorney, to be elected by the board of aldermen of said city in like manner and for like time as is provided in section ten of this act for the election of a city clerk; and, in the discharge of the duties of his office, the said prosecuting attorney is hereby clothed with every power usually incident to like positions in other courts of record in this State, and he shall exercise the same in substantial conformity with the practice and procedure of solicitors in the Superior Courts. Prosecuting attorney.

"Sec. 36 (*a*). That nothing contained in this act shall be held to forbid or prevent the recorder or prosecuting attorney of said recorder's court from acting as attorney in criminal actions and proceedings not within the territorial jurisdiction of said recorder's court, and not pending in the same; nor to forbid or prevent said recorder from acting as attorney in civil actions and proceedings of which said recorder's court shall not have acquired jurisdiction, when pending in other courts; nor to forbid or prevent said prosecuting attorney from engaging in the prosecution of criminal causes pending in other courts. Recorder and prosecuting attorney may practice law.

"Sec. 37. That all criminal offenses of which original and final jurisdiction is conferred upon said recorder's court in section twenty-eight (*a*) of this act are hereby declared to be petty misdemeanors. Acts declared petty misdemeanors.

"Sec. 38. That in all cases in which said recorder's court shall first regularly acquire jurisdiction, either final or otherwise, of any criminal cause, and the Superior Court of either Nash or Edgecombe County shall thereafter, in the exercise of either its original or appellate jurisdiction, try and dispose of the same, it shall not be lawful to impose upon any defendant therein adjudged to be guilty a sentence requiring such defendant to be worked upon the public roads of any district, township, or county other than the Rocky Mount Road District." Sentences by other courts.

Sec. 5. That section forty of this act be and the same is hereby amended by adding at the end thereof the following:

"(35) To establish, maintain, and operate a municipal gas works, including all adjuncts necessary or proper for use in connection therewith, for the manufacture and distribution of gas for illuminating and heating purposes, and for both municipal use and for sale to the citizens and taxpayers of said city and other customers; and said board of aldermen may adopt all rules and regulations necessary for the operation and management of said gas works under the supervision and control of the superintendent of public works." Establishment of gas works. Operation and management.

Section stricken out.

Sec. 6. That section sixty-eight of said act be and the same is hereby stricken out.

Sections renumbered.

Sec. 7. That sections sixty-nine, seventy, and seventy-one of said act be and the same are hereby amended by renumbering them sixty-eight, sixty-nine, and seventy respectively.

Repealing clause.

Proviso: effect of repeal.

Sec. 8. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed: *Provided*, that nothing contained in this act shall be held to limit or restrict the criminal jurisdiction heretofore enjoyed by said recorder's court, or to bar or defeat any criminal prosecution heretofore begun or which shall be hereafter begun in said court, nor to in anywise abridge the term of office of the present incumbent of the office of prosecuting attorney of said court.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 209.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARTHAGE.

The General Assembly of North Carolina do enact:

Laws amended.

Section 1. That chapter four hundred and eighty-two of the Private Laws of North Carolina, passed by the General Assembly at its session of one thousand nine hundred and seven, entitled "An act to amend the charter of the town of Carthage," ratified the eleventh day of March, one thousand nine hundred and seven, as amended by chapter one hundred and sixty-six of the Private Laws of the General Assembly passed at its session of one thousand nine hundred and nine, ratified February twenty-sixth, one thousand nine hundred and nine, be and the same is hereby amended as follows:

(*a*) That section nine of said act be and the same is hereby stricken out and the following inserted in lieu thereof:

Certificate to poll and registration lists and result of elections.

"Sec. 9. That the registrar and judges of election shall certify and subscribe the poll and registration lists and the results of said election and return them to the town secretary, who shall take charge of and preserve the same."

Appointment, oath, and powers of extra policemen.

(*b*) That section fourteen of said act be amended by adding thereto the following: "That the mayor of said town may, from time to time, appoint such extra number of policemen as in his discretion and judgment may be necessary, who shall take an oath before said mayor to faithfully discharge their duties as such policemen, and when so appointed and qualified such policemen

shall have all the authority conferred upon the marshal or constable of said town to make arrests and preserve the good order and well-being of said town."

Extension of jurisdiction.

(*c*) That section twenty of said act be and the same is hereby amended by striking out the words "the limits of the town" at the end of said section and inserting in lieu thereof "Carthage Township."

Abatement of nuisances.

(*d*) That section twenty-five of said act be and the same is hereby amended by adding to said section as a part thereof the following: "If at the end of the month aforesaid the owner of such property shall not have removed such buildings, the board of commissioners are authorized and empowered to make an order requiring that such buildings be abated and removed, and furnish to the town constable or marshal a certified copy thereof with a process or order from the clerk of said board directed to the town constable or marshal, commanding him to abate and remove such building, and such order and process shall authorize, empower, and require said constable or marshal to remove the same, and the owner of such building shall thereupon become liable to said town for the expenses of removing the same, which sum the said town may collect from said owner by action in the proper courts for such purpose."

Execution of process.

Power to summon assistance.

Refusal to act a misdemeanor.

Punishment.

(*e*) That section thirty-six of said act be and the same is hereby amended by striking out the second sentence in said section and inserting in lieu thereof, as a part of said section, the following: "He shall execute all such processes issued or directed to him by the mayor or any justice of the peace of Carthage Township, within the limits of said Carthage Township, and to that end may summons any citizen of said town to his assistance, who, upon refusal to act, shall be considered guilty of a misdemeanor, and upon complaint of said marshal shall be tried and punished in the discretion of the mayor within the limits prescribed in the jurisdiction of a justice of the peace."

Commitments to county jail.

(*f*) That section thirty-seven of said act be and the same is hereby amended by adding after the first sentence of said section the following sentence as a part of said section: "The sheriff of the county of Moore or the keeper of the common jail thereof shall be required to receive into said common jail of said county all such persons as may be arrested by the town constable, under this section, and offered to said sheriff or the said keeper of said common jail for incarceration in said common jail."

Election of treasurer.

(*g*) That section thirty-eight of said act be and the same is hereby amended by adding to said section, as a part thereof, the following: "*Provided*, that the board of commissioners may elect another member of their board in their discretion as treasurer, who shall execute the bond herein provided for and be subject to the like duties of this section and act."

Clerk stricken out.

(*h*) That section thirty-nine of said act be and the same is hereby amended by striking out the words "clerk and" in line one of said section.

(*i*) That section forty-nine of said act be and the same is hereby amended by striking out said section and inserting in lieu thereof as a part of said act the following:

Power to condemn land.

"Sec. 49. That in case the said town of Carthage shall, in the construction, enlargement, maintenance, or improvement of said water and sewerage systems, one or both, have need of any lands, outlets through or rights of way over the lands of persons or corporations, or source or sources of water supply or water-sheds belonging to other persons or corporations, or lands for the purpose of erecting any buildings or machinery, necessary, convenient, or useful for the construction, maintenance, or operation of said system or systems, situate either within or without the corporate limits of said town of Carthage, and agreements for the purchase of the same cannot be made with the owner or owners thereof, then and in either case, or in all cases, the board of commissioners of said town may construct, lay down, extend, complete, and maintain said system or systems, or either of them, and construct and erect buildings and machinery or either upon, over, or through any lands necessary or convenient for said purpose, and appropriate any water supply or water-sheds, and shall have for said purpose full power and authority, by or through their agents or persons employed by said board, to enter in and upon any such lands or property for the purposes aforesaid; and if the owner or owners of such water supply or water-sheds or lands through or over or upon which said systems shall be constructed or outlets maintained or buildings or machinery erected shall demand compensation therefor, it shall be the duty of said board of commissioners to pass upon and consider the same and to make an order for the payment of such amount as such person or persons may claim, if said board of commissioners shall deem such amount to be just; but if said board of commissioners shall deem such amount to be unjust, then and in that event the said lands or rights in lands may be condemned for the purposes aforesaid by proceedings taken as follows:

Consideration of claims.

Procedure for assessment of damages.

The board of commissioners of said town of Carthage shall make an order requiring and directing that the constable or marshal of said town shall summons three freeholders residing in said town, qualified to serve as jurors, and the mayor shall thereupon issue a warrant to said constable or marshal requiring him to summon said three freeholders, who together with two freeholders of said town, qualified to serve as jurors, to be selected by the party claiming damages, shall view the premises and hear such evidence as shall be offered as to the valuation of the property so taken and condemned, and assess the value thereof for the purposes aforesaid. The said commissioners so summoned shall receive a per diem of one dollar. Before proceeding to view the

premises and assess damages the parties so summoned as aforesaid shall take the following oath before the mayor or some other person qualified to administer oaths:

I, ..., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of appraiser for the purpose for which I have been chosen, and a true report make: so help me, God. Oath of office.

If the party damaged, claiming damages, refuses to select two appraisers as herein provided, the report of the three summoned in behalf of the town shall constitute the jury or board for the appraisement of damages. In making such valuation said freeholders shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and also any special benefit or advantage such owner may receive, if anything, by reason of the construction of said system or systems or buildings or machinery on and over said land, and shall state the value and amount of each, and the excess of loss or damages over and above the advantages shall constitute and form the measure of valuation of said land or right of way or easement, and, after making said assessment as aforesaid, the said board so summoned as aforesaid shall report their findings in writing into the office of the mayor of said town, and a majority of said board shall be sufficient to make said findings: *Provided, nevertheless*, that if the owner or owners of the lands, or the board of commissioners of said town, shall be dissatisfied with the valuation thus made, then and in that event either party may, within ten days from the filing of said report as aforesaid, have an appeal to the next term of the Superior Court of Moore County, to be held thereafter, and the freeholders or the mayor shall return to the court to which the appeal is taken their valuation, with all proceedings taken thereon; and the land, rights of way, or easements so valued by the freeholders shall vest in said town of Carthage so long as it may be used for the purposes for which the same was condemned, so soon as the amount of the valuation shall be paid to said owner or owners or lodged in the hands of the Clerk of the Superior Court of Moore County, in case of its refusal by such owner or owners: *Provided further*, that in case of the discontinuance of the use of the land and its consequent reversion to the owner or owners, said town of Carthage may remove any improvement erected or put upon said land under its authority within ninety days after such discontinuance." Jury on refusal of landowner to appoint. Proviso: right of appeal. Vestment of title. Proviso: removal of improvements on reversion.

Sec. 2. That said act be and the same is hereby further amended by adding thereto the following additional sections as a part of said act and as a part of the charter of said town:

"Sec. 70. That for the purpose of extending, establishing, constructing, and maintaining additional sewer and water systems, one or both, in the town of Carthage, and for the purpose of main- Purposes for which bonds may be issued.

taining and improving the systems of sewerage and waterworks already being constructed or to be constructed in said town of Carthage, the board of commissioners of said town of Carthage is hereby authorized and empowered to issue and sell additional bonds of said town, from time to time, to an amount not exceeding ten thousand dollars in the aggregate, of such denominations and in such proportions as the board of commissioners may determine, bearing interest from the date of said bonds at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually, at such time and at such place or places as may be deemed advisable by said board, said bonds to be of such form and tenor, signed by such officers and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from their date, and at such place or places, as said board of commissioners may determine."

Limit of amount.

Denominations and proportions.

Interest.

Authentication.

Maturity.

Sale below par and division of funds forbidden.

"Sec. 71. That none of the bonds provided for in the preceding section shall be disposed of, either by sale or exchange, hypothecation or otherwise, for a less price than their par value, nor shall they or their proceeds be used for any other purpose than declared in this act."

Particular tax.

"Sec. 72. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds in the sum of ten thousand dollars herein authorized, the board of commissioners of said town shall annually and at the time of levying other town taxes, levy and lay a particular tax upon all persons and subjects of taxation on which the said board of commissioners now is or may hereafter be authorized to lay and levy taxes for any purpose whatever, not exceeding the amount authorized in section forty-six of this act, and said taxes so authorized in this section shall be collected in the same manner and at the times other town taxes are collected, and shall be accounted for and kept separate from other taxes, and shall be applied exclusively for the purposes for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due and cannot be applied to the purchase or discharge of said bonds shall be invested so as to secure the payment at maturity of the principal of said bonds in the manner pointed out and provided for in said section forty-six of this act. The proceeds arising from the sale of said bonds shall be paid to the treasurer of said town and expended by the board of commissioners of said town for the purposes for which said bonds are issued and sold in the manner pointed out in the charter of the town of Carthage, originally enacted by the General Assembly, and a record of said bonds shall be kept as in said original act provided."

Limit of amount.

Collection and settlement.

Specific appropriation.
Sinking fund.

Deposit and expenditure of proceeds of bonds.

Record of bonds.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 210.

AN ACT TO AMEND, REVISE, AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHERRYVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the citizens of the town of Cherryville shall be and continue, as heretofore, a body politic and corporate, and shall bear the name and style of the town of Cherryville, and under such name is hereby invested with all the property and rights of property which now belong to the said town of Cherryville, under any name whatsoever; and by this name may acquire and hold, for the purpose of government, welfare, and improvement, all such estate as may be devised, bequeathed, or conveyed to it; and may purchase or sell any estate belonging to the town which may be deemed for the best interests of the town, and shall be liable for all debts, claims, or obligations and duties which now exist against the corporation of the said town of Cherryville; to contract and be contracted with, sue and be sued, shall have perpetual succession, use a common seal. Incorporation. Corporate name. Investment of property and property rights. Corporate powers.

Sec. 2. That the corporate limits of the town of Cherryville shall be and remain as they are at present constituted under the former charter of the town of Cherryville, and all amendments thereto, relative to the boundaries of said town. Corporate limits.

Sec. 3. That the territory comprised within the corporate limits of said town shall be and is hereby laid off into four wards. Ward Number One shall be comprised of the territory within that section of the said town that lies on the south side of the Seaboard Air Line Railway and east side of Mountain Street; Ward Number Two shall be comprised of the territory within that section of said town which lies on the south side of the Seaboard Air Line Railway and west side of Mountain Street; Ward Number Three shall be comprised of the territory within that section of said town which lies on the north side of the Seaboard Air Line Railway and west side of Mountain Street; Ward Number Four shall be comprised of the territory within that section of said town which lies on the north side of the Seaboard Air Line Railway and east side of Mountain Street. Division into wards. Ward No. 1. Ward No. 2. Ward No. 3. Ward No. 4.

Sec. 4. That on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and on the first Tuesday in May, annually thereafter, there shall be elected a board of commissioners and a mayor by the qualified voters of said town, and the said officers so elected shall hold office for a period of one year or until their successors are duly elected and qualified, except such as may be removed for cause or otherwise. Town elections. Term of office. Removal for cause.

Sec. 5. That the annual election herein provided, and any and all elections herein authorized, or as may be deemed necessary Law governing elections.

for town purposes, shall be called, held, conducted, and concluded under the direction of the mayor and board of commissioners of said town, by officers so designated and appointed by them, in manner and form in every respect as near as may be, and under the same provisions of law and practice as near as may be, as elections for county officers are held and conducted, like county officials, under the general law relating to such elections in North Carolina in force at the time of such elections, including all the penalties and forfeitures prescribed for the violation of such law. That the board of commissioners and mayor are hereby authorized to call an election for any municipal purpose upon the presentation of a petition of one-fourth of the qualified voters of said town, such elections to be held in the same manner as is prescribed for holding elections of town officers. All elections for all town officers and for all town purposes shall be held at four voting places, one in each ward, to be designated by the board of commissioners of said town.

Elections called by petitions.

Voting places.

Board of commissioners. Election and residence of commissioners.

Sec. 6. That the board of commissioners shall consist of four commissioners, one from each ward. Each commissioner shall be elected by the qualified voters in the ward in which the said commissioner resides; each commissioner shall be a qualified elector, a freeholder, and must have lived in the ward from which he is elected for a period of twelve months next preceding his election; and if any such commissioner shall, after election, move out of the limits of said ward from which he is elected, his office shall be vacated thereby, and the same shall be filled as hereinafter provided; and the commissioners so elected shall constitute the commissioners of the town of Cherryville.

Change of residence to vacate office.

Qualification and entrance on office.

Sec. 7. That on the second Tuesday in May, one thousand nine hundred and thirteen, and annually thereafter, the board of commissioners, after having taken an oath before some justice of the peace of Gaston County to support the Constitution of the United States of America and the Constitution of the State of North Carolina, and to well, faithfully, and truly perform the duties of the office of a commissioner of the town of Cherryville to the best of their ability, which oath shall be subscribed to and entered upon the minutes of the corporation and attested to by the justice of the peace administering the oath, shall take their seats and remain in office for a period of one year and until their successors are elected and qualified, except such as may be removed for cause or otherwise. They shall organize by electing one of their members chairman, who shall act as mayor *pro tempore*, in case of a vacancy, absence, or illness of the mayor. They shall proceed to elect members to fill such vacancies as may arise by death, or failure to elect in the town, whether by virtue of a tie or on certificate of fraud, and shall fill any vacancies as may occur from time to time during their term of office, either elective or appointive offices. A majority of the commissioners shall constitute

Mayor pro tempore.

Elections to fill vacancies.

Quorum.

a quorum for the transaction of business. Said board of commissioners shall meet for the transaction of business at least once a month, and shall meet on the call of the mayor, or a majority of the board of commissioners, as often as may be necessary. Said board of commissioners at its first meeting after having been qualified shall proceed to elect a chief of police for said town and as many assistant policemen as may be deemed necessary from time to time. The chief of police shall also act as tax collector, and as chief of the fire department, until the board of commissioners shall deem it best to elect separate officers for these departments or offices. The board of commissioners shall also elect at this meeting a sanitary officer for said town, and when deemed necessary they may elect a town attorney, or when necessary employ an attorney or attorneys and any and all other officers which may be deemed necessary to promote the general welfare of the people and for the good government of the town. Said officers so elected shall hold their offices for a period of one year, or until their successors have been duly elected and qualified, except such as may be removed for cause or otherwise.

Meetings.

Chief of police and policemen.

Tax collector and chief of fire department.

Sanitary officer.

Town attorney.

Terms of office.

Sec. 8. That there shall be elected by the qualified voters of the town of Cherryville, on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and on the second Tuesday in May, annually thereafter, in the same manner as provided for the election of a board of commissioners and mayor, a town clerk, who shall be the secretary and treasurer of the town of Cherryville, for a period of one year, or until his successor is duly elected and qualified, except he be removed for cause or otherwise.

Election of town clerk.

Secretary and treasurer.

Sec. 9. That the board of commissioners of the town of Cherryville shall have power to make and provide such ordinances for the government of the town as it may deem necessary or expedient, not inconsistent with the laws of the State of North Carolina, and it shall have power to make and provide all needful ordinances to secure health, order, quiet, and safety within the town limits and for one mile beyond; to take all necessary means to prevent and extinguish fires; to make ordinances and regulations for the observance of the Sabbath; to suppress and remove nuisances; to regulate the speed of riding and driving on the public streets; to keep and require to be kept the streets and sidewalks clear of all obstructions; to cut and remove all limbs, branches, parts of trees and shrubbery, trees and shrubbery, extending upon or overhanging the sidewalks or streets, or in sidewalks or streets, at the expense of the owners of the adjacent lots who may refuse to do the same on five days notice from the mayor of the town; and shall regulate if it deems expedient the charge for the carriage of persons, baggage, or freight, and issue license for the same.

Legislative powers.

Sec. 10. That the commissioners shall have power to make such ordinances as may be necessary, declaring all domestic animals,

Ordinances as to animals going at large.

dogs, or fowls running at large within the corporate limits of the said town a nuisance, and shall have power to sell the domestic animals, dogs, or fowls; and the commissioners may at their option impose a fine not to exceed ten dollars upon the owner or owners of such animals, dogs, or fowls, running at large, or may treat the same as a nuisance and have it abolished in such way as it seems best in their discretion.

Abatement of nuisances.

Sec. 11. That the board of commissioners shall have power to require and compel the abatement and removal of all nuisances within the town at the expense of the person causing same, or the owner or tenant of the ground, wherever the same may be. Said board of commissioners shall have power to require the removal of all unsafe and dangerous buildings which may be within the corporate limits of the town, at the expense of the owner of the same. They shall have power to regulate the establishment of slaughter-houses, or any and all other buildings which they may deem necessary to so do, or the exercise of any offensive or unhealthy trade, business, or employment within said town.

Condemnation of buildings.

Slaughter-houses and offensive or unhealthy trades.

Fire limits.

Sec. 12. That they shall establish fire limits and prevent the erection, construction, or establishing of any building or structure built of wood or any other material which would increase the danger of fire; that the board of commissioners shall appoint three qualified voters of the town of Cherryville, who are freeholders, to be known as the building committee of the town of Cherryville, who shall have charge of the rights of establishing the aforesaid fire limits, and who shall make rules and regulations in regard to the building or erection of buildings in the town of Cherryville, and who shall or may grant permits to all persons, companies, or corporations for the erection of any and all buildings in said town, and who shall have the right to refuse the building of or erection of buildings except under certain rules and regulations adopted by them.

Building committee.

Building regulations and permits.

Quarantine powers.

Sec. 13. That the board of commissioners may take such means as may be effectual to prevent the entrance into the town of Cherryville of any infectious or contagious disease; may stop, detain, and examine for the purpose every train, conveyance, or vehicle coming from places believed to be infected with such diseases; may establish and regulate hospitals within three miles of or within the limits of the town; may cause any person or persons in the town suspected to be infected with such diseases, and whose stay may endanger the health of the citizens of the town, to be removed to such hospital or hospitals; may remove from the town or destroy any furniture or other articles which may be suspected of being tainted with or infected with contagious diseases, or where there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease; and with the view of preserving the health of the town, a town physician may be appointed when deemed necessary.

Hospitals.

Removal of infected persons.

Removal or destruction of infected articles.

Hospital and burial expenses.

Sec. 14. That in any case where a person is removed to the hospital, the board of commissioners may obtain a judgment before any justice of the peace against such person for the expense of his or her removal, support, nursing, medicine and medical attention, and in case of death, against his or her personal representative, and for his or her burial expenses, if the town shall incur such expense.

Powers as to streets.

Sec. 15. That the board of commissioners shall have power to lay out and open streets, within the limits of the town, whenever it may be deemed necessary, and shall have power at any time to widen, change, extend, or discontinue any streets or any part or parts thereof, within the limits of said town; and shall have full power and authority to condemn, appropriate or use any land necessary for any of the purposes named in this section: *Provided*, such town shall make a reasonable compensation for any damages done and allotted to the owner or owners thereof upon the recommendation of a jury to allot the same. In each and every case of the kind there shall be summoned a jury of five disinterested men who shall assess the amount of damages and report the same to the board of commissioners. If the board of commissioners shall accept the report made, it shall tender and pay to the landowner the amount in legal tender, and thereupon the title shall become vested in said town. If the landowner shall think the amount assessed below the value of such land taken, nothing herein shall be construed so as to deprive him of his right to appeal and bring suit for damages against the corporation. That the board shall have the right to take proper means to pave all sidewalks and streets they may deem necessary.

Power to condemn land.

Proviso: reasonable compensation.

Procedure for assessment of damages.

Right of appeal.

Right to pave streets and sidewalks.

Vagrancy and street begging.

Sec. 16. That the board of commissioners shall have power to pass such ordinances as may be necessary to prevent vagrancy and street begging, to impose punishment or penalties on such persons as habitually refuse to follow some useful trade or profession, without adequate means of support.

License taxes.

Sec. 17. That the board of commissioners shall have power to regulate, control, tax, and license all franchises, privileges, trades, business, professions, callings, or occupations which are now or which may hereafter be taxed by the laws of the State of North Carolina, by imposing a franchise or license tax upon each and every of the aforesaid mentioned subjects in such amount as the board of commissioners may deem necessary and proper.

Subjects and rate of taxation.

Sec. 18. The board of commissioners may levy a tax equal to the State tax upon all subjects taxed by the General Assembly for public purposes; and in addition to subjects and things taxed by the General Assembly for public purposes, the board of commissioners of Cherryville, North Carolina, shall have power to levy and collect each year a specified or license tax on the following subjects, to wit:

Organ-grinders.

1. On all organ-grinders, a tax not to exceed ten dollars per annum.

Bill-posters. 2. On any person, firm, or corporation who posts bills, circulars, cards, advertising, printed or written matter of any kind, or who paints signs or other advertising matter, or who distributes any advertising matter of any kind or distributes samples of any kind, a tax not to exceed twenty-five dollars per annum or two dollars per day, and fifty cents per day for each helper. This shall not apply to residents of this town advertising their own merchandise, wares, etc., for their own benefit.

Exemption.

Peddlers. 3. On all agents selling pictures, maps, books, or other merchandise, from house to house or from person to person, a tax not to exceed twenty-five dollars per annum.

Itinerant doctors. 4. On all itinerant opticians, oculists, or medical specialists, a tax not to exceed fifty dollars per annum.

Itinerant dentists. 5. On all traveling specialists who follow the business of extracting teeth, a tax not to exceed twenty-five dollars per annum.

Express companies. 6. On all express companies, a tax not to exceed one hundred dollars per annum.

Dealers in fireworks. 7. On all dealers or venders of fireworks of any kind, a tax not to exceed twenty-five dollars per annum.

Horse auctions. 8. On all public auctions of horses, a tax not to exceed ten dollars per day.

Bootblacks. 9. On all bootblacks, a tax not to exceed ten dollars per annum.

Auctioneers. 10. On each auctioneer, a tax not to exceed ten dollars per annum; and before exercising the duties of such, he shall take a receipt therefor in the form of a license, and no other person shall be allowed to sell under an auctioneer's license.

Two-horse hacks. 11. On every two-horse hack or carriage running to the depot or elsewhere for a reward, a tax not to exceed ten dollars per annum.

One-horse hacks. 12. On every one-horse carriage or hack running to the depot or elsewhere, a tax not to exceed eight dollars per annum.

One-horse drays. 13. On each one-horse public dray, cart, or wagon, a tax not to exceed ten dollars per annum.

Two-horse drays. 14. On each two-horse public dray, cart, or wagon, a tax not to exceed twenty dollars per annum.

Electric light companies. 15. On each electric light company selling or offering to sell electricity for lighting, heating, or power, a tax not to exceed two hundred dollars per annum.

Dealers in fish and oysters. 16. On each dealer in fish and oysters, a tax not to exceed twenty dollars per annum.

Gas companies. 17. On each gas company, a tax not to exceed two hundred dollars per annum.

Gasfitters and plumbers. 18. On each gasfitter and plumber, a tax not to exceed fifty dollars per annum.

Gift enterprises. 19. On all gift enterprises or persons whose business it is to sell prize candies, photographs, pictures, jewelry, or any other article with which a prize is offered as an inducement to buy, a tax not to exceed fifty dollars per annum.

20. On show-houses where prizes are offered as inducement to purchase tickets, a tax not to exceed twenty-five dollars on each exhibition. Prize shows.

21. On all ice-cream dealers, a tax not to exceed five dollars per annum. Ice-cream dealers.

22. On every itinerant who deals in or puts up lightning rods, a tax not to exceed fifty dollars per annum. Itinerant lightning-rod dealers.

23. On each fruit stand to sell lemonade, ice-cream, watermelons, fruits or sandwiches on public occasions, a tax not to exceed ten dollars for the first day and five dollars for each day thereafter. Refreshment stands.

24. On all persons or corporations who conduct so-called loan offices or who carry on a business of loaning money on personal property, watches, jewelry, household and kitchen furniture, by pledge or otherwise, a license tax of not more than five hundred dollars per annum. Pawnbrokers.

25. On every agent for the selling of kerosene or other oils, a tax not to exceed five hundred dollars per annum. Oil agents.

26. On lubricating oil agents, an annual tax not to exceed fifty dollars. Lubricating oil agents.

27. On each exhibitor of photographs, kinetographs, moving pictures or other like exhibitions, a tax not to exceed five dollars per week. Picture shows.

28. On every taker of likenesses, by whatever art, a tax not to exceed ten dollars per annum. Photographers.

29. On every itinerant vender of specifics, or itinerants making prescriptions or applications or administering drugs for diseases, a tax not to exceed one hundred dollars per annum. Drug peddlers.

30. On all manufacturers of soda-water, or bottlers, a tax not to exceed fifteen dollars per annum. Manufacturers of soda-water or bottlers.

31. On every soda or mineral water fountain, a tax not to exceed ten dollars per annum. Soda fountains.

32. On all undertakers, a tax not to exceed twenty-five dollars per annum. Undertakers.

33. On every billiard, pool, or bagatelle table, a tax not to exceed fifty dollars per annum. Tables for games.

34. On all ten-pin or bowling alleys, a tax not to exceed fifty dollars per annum. Bowling alleys.

35. On all peddlers or traveling merchants, selling any article of trade, a tax not to exceed twenty-five dollars per annum. Peddlers.

36. On all theatrical companies giving exhibitions in any hall, tent, or other place, a tax not to exceed ten dollars on each exhibition or performance. Theatrical companies.

37. On every exhibition of a circus or show, with or without a menagerie, a tax not to exceed two hundred dollars. Circus.

38. On all rent collectors, coal dealers, collecting agencies, dealers in bicycles and automobile dealers, livery stables, horse dealers, merchandise brokers, sewing-machine agents, a tax not to exceed twenty-five dollars per annum. Rent collectors, coal dealers, collecting agencies, bicycle and automobile dealers, livery stables, horse dealers, merchandise brokers, sewing-machine agents.

Hotels.

39. On all hotels, a tax not to exceed twenty-five dollars per annum.

Slot machines, merry-go-rounds, hobby-horses, switchback railways, shooting galleries.

40. On all slot machines, merry-go-rounds, hobby-horse, switchback railway, or shooting gallery, a tax not to exceed twenty-five dollars per annum.

Dealers in weapons, musical instruments, cigarettes, pawnbrokers, laundries, laundry agents, skating rinks, butchers.

41. On all dealers in weapons, pianos or organs, cigarettes, pawnbrokers, laundries, laundry agents, skating rinks, butchers, a tax not to exceed twenty-five dollars per annum.

Telegraph and telephone companies, restaurants, electricians, plumbers or pipe-fitters, pressing clubs.

42. On all telegraph companies, telephone companies, restaurants, electricians, plumbers or pipe fitters, pressing clubs, a tax not to exceed twenty-five dollars per annum.

Dogs.

43. On each male dog, and female dog, a tax not to exceed five dollars per annum.

Dealers in fresh meats.

44. On each and every dealer in fresh meats, a tax not to exceed fifty dollars per annum.

Fire companies.

Sec. 19. That the board of commissioners may provide for the establishment of fire companies and shall provide rules and regulations for the government of the same.

Ordinances entered on minutes and recorded.

Sec. 20. That all ordinances passed by the board of commissioners shall be entered on the minutes at the session at which they are passed and recorded in a book for that purpose, which record shall state the number of the ordinance and date of its passage; and that any ordinance so passed shall be in effect from the date of its passage.

Salaries.

Sec. 21. That the board of commissioners shall regulate the salaries of all elective or appointive offices, and shall decide the amount of salary each officer is to get.

Taxing powers.

Sec. 22. That the board of commissioners shall have power to annually lay, levy, and impose and collect the following taxes, to be used for the proper government of the town, or for any and all municipal purposes: On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks, and all other subjects taxed by the State of North Carolina, *ad valorem*, except income taxes, a tax not exceeding (66⅔) sixty-six and two-thirds cents on every hundred dollars value; on all taxable polls resident in the town on the first day of June of each year, a tax not exceeding two dollars on the poll.

Property tax.

Poll tax.

Collection of taxes.

Sec. 23. That in the collection of all town taxes on property or polls, the general law of the State regulating attachment and garnishment shall be applicable, and the mayor, chief of police, and assistant policemen shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such cases.

Returns of property for taxation.

Sec. 24. That the citizens of the town of Cherryville and all others liable to be taxed under this charter shall on the first Monday in June, one thousand nine hundred and thirteen, and on the first days of June thereafter, render on oath to the clerk of

the town, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be furnished by the board of commissioners, a list of their property and subjects for which they may be liable to be taxed under rules and penalties as are prescribed by the general law or by the provisions of this charter.

Double tax for failure to list.

Sec. 25. That if any person, company, or corporation shall fail to render to the clerk the list of property or other taxables required to be rendered by this charter within the time prescribed for listing taxes as provided by this charter, such person, company, or corporation shall pay double the tax assessed on any subject for which such person, company, or corporation is liable to be taxed.

Tax books.

Sec. 26. That from the returns and lists made as is prescribed by this charter the clerk within thirty days after the time for listing said taxes shall make out in a book kept or provided for that purpose an alphabetical list of the persons, companies, or corporations or owners of property who so have made their returns in the same manner as tax lists are made out for the State and county taxes; and the said clerk shall copy in the said book the assessment on file in the office of the Register of Deeds of Gaston County of all property in the corporate limits of the town of Cherryville.

Assessments from county books.

Collection of tax by distress.

Sec. 27. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the year prescribed for collection, the collector shall proceed to forthwith collect the same by distress and sale, all sales to be made on personal property after public advertisement for ten days; on realty, after public advertisement in said town for twenty days. The said collector shall have the right to levy and sell any personal property situated outside the limits of the town, situated within the limits of Gaston County, belonging to a delinquent taxpayer of the town, in order to enforce the payment of taxes due the town by said delinquent.

Levy on property on outside of town.

Moneys paid into town treasury.

Appropriation.

Sec. 28. That all moneys arising from taxes, penalties, and forfeitures or any other source whatsoever shall be paid into the town treasury, for the town's use, and be its property, where they shall remain until lawfully appropriated by a majority of the board of commissioners in specific terms for the benefit and for the use of the town and the people resident therein, unless expressly provided for by this act.

Pay of commissioners.

Sec. 29. That the board of commissioners shall receive for their services not more than twenty-five dollars each per year.

Violation of ordinance misdemeanor.

Punishment.

Sec. 30. That the violation of any of the ordinances of the town of Cherryville passed by the board of commissioners shall be deemed a misdemeanor, and shall be punishable by a fine not to exceed fifty dollars or imprisonment for a period of thirty days.

Impeachment of officers.

Sec. 31. That the right to impeach any officer of the town of Cherryville for malfeasance, misfeasance, or nonfeasance of any

office for any offense that would disqualify any officer shall rest with the board of commissioners, and any officer shall not be impeached without a majority of the board of commissioners so vote.

Mayor chief executive.

Sec. 32. That the mayor shall be the chief executive of the town; he shall preside at all meetings of the board of commissioners, but shall have no vote except in case of a tie; he shall be active in enforcing the laws and ordinances of the town; he shall have the power and authority to appoint special policemen for any occasion; he shall, when it may be deemed expedient, issue a general statement of the conditions of the town relative to its government and improvement, and shall from time to time recommend to the board of commissioners all such measures connected with the police, security, health, and cleanliness of the town as he may deem expedient; he shall recommend all needed apparatus and improvements to the board of commissioners; he shall countersign all orders to the town; he shall have full power and authority to administer oaths and affirmations; that the mayor shall receive as his compensation only such amount as the board of commissioners shall allow; that he shall hold office for a period of one year unless removed for cause.

No vote but in case of ties.

Special policemen.

Statements and recommendations.

Countersign orders and administer oaths.

Compensation.

Term of office.

Mayor's court.

Jurisdiction.

Sec. 33. That the mayor of the town of Cherryville is hereby constituted an inferior court with jurisdiction over all offenses arising from the violation of the provisions of this act, or of all violations of ordinances, by-laws, rules and regulations of the board of commissioners, made in pursuance of this act, within the corporate limits of said town; with jurisdiction, power, and authority which is now or may be given to the justice of the peace for the trial and determination of all criminal cases arising within the limits of the said town; and to this end he may issue warrants or other process, and issue a warrant for the arrest of the defendant or defendants, and have the party or parties brought before him, hear, determine, and give judgment thereon, impose fines and imprisonment and impose penalties and forfeitures, as the case may be, and direct the enforcement thereof, subject to the limitations of this act as to the amount of such penalties or punishment, with the right to appeal from the judgment or sentence of the mayor to the Superior Court of Gaston County, under the same provisions of law as govern an appeal from justices of the peace; that the mayor shall issue his precepts to the chief of police, assistant policemen, sheriff, or other lawful officer of Gaston County, and who shall have power to execute the same anywhere in Gaston County. That he shall well, truly, and faithfully keep a record of all his precepts and judicial proceedings.

Right of appeal.

Officers to whom process shall issue.

Execution of process.

Costs allowed mayor.

Sec. 34. That the mayor shall be allowed such costs as are allowed by law in similar proceedings before justices of the peace as near as may be: *Provided, however*, that if the said mayor is allowed a salary by the board of commissioners, then all costs

Proviso: costs to use of town if mayor given salary.

recovered and collected shall be turned over by the officer collecting the same, within ten days after said collection, to the town treasurer.

Record and statement of penalties and costs.

Sec. 35. That all penalties and costs which may be recovered before the mayor shall be kept in a book of records and an itemized statement of the same shall be furnished the clerk at the end of each fiscal year.

Duties of clerk.

Sec. 36. That it shall be the duty of the clerk of the town to be present at all meetings of the board of commissioners; to keep and record in a book provided therefor regular and fair minutes of the proceedings of the board of commissioners, and, when thereto required, of the mayor's court; to issue all licenses and to collect all license taxes; to preserve all books, records, documents, papers, and other articles committed to his care or custody during his term of office, and deliver them in good order and condition to his successor, and generally to perform all such other duties as may be prescribed by this charter or by the board of commissioners. He shall receive as his compensation such amount as the board of commissioners shall decide that his salary should be.

Compensation.

Duties of treasurer.

Sec. 37. It shall be the duty of the treasurer of the town to call on all persons who may have in their hands any moneys or securities belonging to the town of Cherryville which ought to be paid or delivered into the treasury, to receive and safely keep the same for the use of the town, and to disburse funds on the appropriations of the board of commissioners, according to such orders as may be duly drawn on him, when countersigned by the mayor; he shall keep in a book provided for that purpose a correct and fair account of all moneys received and disbursed by him, together with the source from which they came and the purposes for which they were appropriated. During his continuance therein he shall perform all duties faithfully which are lawfully imposed upon him as town treasurer, and at the expiration of his term shall deliver to his successor all the moneys, securities, books of records, and other property intrusted to him for use, safe keeping, disbursement, or otherwise. He shall render an annual statement of the financial condition of the town by advertising the same at one public place in said town, a statement of the receipts and disbursements, together with an account of all moneys on hand belonging to the town. That all warrants drawn on the treasurer issued on vouchers given therefor, by the board of commissioners, and shall be signed by the mayor, and shall state the purpose for which the money was appropriated and the fund out of which the same is to be paid. That no claim against the town shall be paid until it is approved by the board of commissioners and a voucher as provided in this section is issued. That the town treasurer shall receive as his compensation such amount as the board of commissioners shall allow.

Accounts.

Settlement with successor.

Annual statements.

Vouchers.

Approval of claims.

Compensation of treasurer.

Duties and powers chief of police and policemen.

Sec. 38. That it shall be the duty of the chief of police and the assistant policemen to preserve the peace of the town by suppressing disturbances and apprehending all offenders; that they may arrest all disturbers of the peace and those violating the ordinances when committed in their presence or when it is apparent to them that the offenders will escape unless arrested at once; that the chief of police and assistant policemen shall serve and execute the precepts of the mayor when directed; they shall have the power to summons as many persons as may be necessary to assist them in the performance of their duties; the chief of police shall pay over to the town treasurer all the money that he may collect to and for the use of the town at least once every month. He shall act as supervisor of the streets of the town, and he shall be vested with the rights as allowed constables within the corporate limits of the town and one mile beyond, and with such other duties as are prescribed by this charter, or by law otherwise prescribed not inconsistent with this act. He shall receive as compensation for his services such salary as the board of commissioners may allow.

Supervision of streets.

Powers as constable.

Compensation.

Tax collector.

Bond and duties.

Sec. 39. That the tax collector of said town shall be under the control and direction of the board of commissioners; he shall give a bond as specified in this act for the diligent and faithful collection of taxes due the town of Cherryville, and for the proper accounting for and paying over to the town treasurer of all moneys that come into his hands as tax collector of the town of Cherryville; he shall obey all lawful orders and directions of the board of commissioners of the said town. He shall receive as compensation such salary as the board of commissioners may allow.

Compensation.

Duties of fire chief.

Destruction of buildings for arrest of fire.

Fire apparatus.

Report of unsafe buildings.

Condemnation of buildings.

Compensation.

Sec. 40. That it shall be the duty of the fire chief or his deputy to be present at each fire, and if he shall deem it necessary to check the progress of the fire, he may cause any house or building to be pulled or torn down or blown up, and neither he nor the town of Cherryville shall be liable to any person thereby for damages. In addition to this, he is authorized to see that all fire apparatus is kept in first-class condition for immediate service at all times. It shall also be the duty of such officer to communicate to the board of commissioners occupied or unoccupied store, dwelling, stable, warehouse, within the corporate limits of the town, is a menace to property, or in a dangerous or unsafe condition, and the said board of commissioners, upon the recommendation of the building committee, shall order the same condemned and declared a nuisance, and the same shall be removed at the expense of the owner. He shall receive as his compensation such amount as the board of commissioners may allow.

Duties of sanitary officer.

Reports and recommendations.

Sec. 41. That it shall be the duty of the sanitary officer to inspect all public places in said town, and all places which might endanger the health of the people, and to report as often as is deemed expedient to the board of commissioners, and make recom-

mendations to the board of commissioners in regard to the health of the town. Said officer shall receive as his compensation such amount as the board of commissioners may allow. Compensation.

Sec. 42. All other offices created by the board of commissioners shall be governed by them as to duties and salaries of such offices so created. Duties and salaries of other officers.

Sec. 43. That each of the following officers shall give a bond in such sum as the board of commissioners shall deem sufficient for such officers: chief of police, town clerk, town treasurer, town tax collector, and the mayor. Bonded officers.

Sec. 44. That the board of commissioners shall have power to take such methods for the enforcement of all ordinances of the town, all by-laws, rules and regulations as the board of commissioners, and of all the laws provided for in this act, and shall have the power to put to work and keep at work on the streets of said town any person or persons who may fail to pay any tax or fine, penalty or forfeiture which may be imposed on said person or persons for the violation of any ordinance, by-law, rule or regulation of said town, and the said board of commissioners shall have authority by their ordinances and by-laws to confine, control, and manage such person until the said fines and penalties, together with the costs thereof, are fully paid and satisfied, under such rates for labor and board as deemed just and reasonable by the board of commissioners. Enforcement of ordinances. Street work for fines, penalties, and forfeitures.

Sec. 45. That all questions arising in the administration of the government of the town of Cherryville and not provided for in this act shall be governed by the laws of the State in such cases made and provided. Application of general law.

Sec. 46. That no levy shall be made on the property belonging to the town. No levy on town property.

Sec. 47. That any officer of the town of Cherryville who shall, on demand, fail to turn over to his successor in office the property, books, moneys or other effects of said town shall be deemed guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court. Failure of officer to make settlement misdemeanor. Punishment.

Sec. 48. That all books, records, and proceedings of the said town shall be open to the citizens of the town at all times for inspection. Books, records, and proceedings open for inspection.

Sec. 49. That any and all taxes that have been levied by the board of commissioners of the town of Cherryville under the former charter, and which have been or may be collected under the former charter of the town of Cherryville are hereby validated. Taxes validated.

Sec. 50. That the board of commissioners shall have the right to borrow such sums as are sufficient to meet and take care of the running expenses of the town. Power to borrow money.

Sec. 51. That the board of commissioners of the town of Cherryville be, and it is hereby authorized and empowered, to issue negotiable bonds of said town in the amounts and for the purposes as follows: twenty thousand dollars ($20,000) for the building of Power to issue bonds. For school buildings.

For street improvement.
For waterworks.
For funding debt.
For electric light system.

one or more public school buildings in said town; four thousand dollars ($4,000) for grading, paving and otherwise permanently improving the sidewalks and streets of said town; twenty-five thousand dollars ($25,000) for the purpose of establishing, equipping, and maintaining waterworks for said town; six thousand dollars ($6,000) for the purpose of funding, taking up, and discharging the outstanding indebtedness of the town of Cherryville; five thousand dollars ($5,000) for establishing, equipping, maintaining, or extension of an electric lighting system for said town.

Coupon bonds.
Maturity.
Interest.
Sale of bonds.
Purchaser not liable for application.
Proviso: sale below par forbidden.
Authentication of bonds.

Sec. 52. That the said bonds shall be coupon bonds of such denomination as may be determined by the board of commissioners of the town of Cherryville and shall mature thirty years from their date, shall bear interest at a rate not to exceed six per centum per annum, payable semiannually, represented by coupons attached to said bonds. Said bonds or either of said bonds may be sold by the board of commissioners of the town of Cherryville at public or private sale, and the purchaser shall not be required to see to the application of the purchase money: *Provided, however*, that said bonds shall in no case be sold, hypothecated, or otherwise disposed of for less than par value. Said bonds shall be signed by the mayor and clerk of said town and sealed with the corporate seal, attested to by the clerk of said town, and the coupons shall bear the engraved or lithographed signatures of said mayor and said clerk of the town of Cherryville. The said board of commissioners of the town of Cherryville may fix by resolution the date of said bonds and the place or places for payment of the same and may in such resolution prescribe the form of said bonds and all other matters in relation thereto not fixed in this act.

Resolution for bonds.

Exemption from town tax.
Coupons receivable for town taxes.

Sec. 53. That said bonds and their coupons shall be exempt from taxation of said town until they become due, and the coupons when due shall be receivable in payment of town taxes.

Special taxes.
Proviso: specific appropriation.
Coupons paid and canceled.
Report.

Sec. 54. That for the purpose of paying said bonds or either of said bonds at maturity and the coupons as they may become due, it shall be the duty of the board of commissioners of said town, and it is hereby empowered and directed so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation in said town in the same manner and at the same time as other taxes are collected: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose. It shall be the duty of the treasurer of said town as coupons of said bonds are paid off and taken up to cancel the same and report not less than twice a year to the board of commissioners the number and amount of coupons so canceled.

Investment of sinking fund.

Sec. 55. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase or discharge of said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds;

and to insure the due investment of the amounts collected from year to year, in excess of that required to pay said interest, the board of commissioners of the town of Cherryville shall appoint some suitable person, to be styled the "commissioner of the sinking fund of the town of Cherryville," who shall hold his office for five years, and whose duty it shall be, under the direction, and under such rules and regulations of the board of commissioners as they may from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds, and to do and perform all such other services in connection with said bonds as the board of commissioners may prescribe; and such commissioner shall give bond and receive such compensation for his services as the board of commissioners may determine.

Commissioner of sinking fund.

Term and duties.

Bond and compensation.

Sec. 56. That the said board of commissioners shall not issue said twenty thousand dollars of bonds for public school building or buildings, or said four thousand dollars of bonds for grading, paving and otherwise improving the sidewalks and streets of said town, or said twenty-five thousand dollars waterworks bonds, or six thousand dollars for funding bonds, or five thousand dollars electric lighting bonds, or any of them, nor levy and collect any taxes to pay the principal or interest of said public school building bonds, street improvement bonds, funding bonds, electric lighting bonds, waterworks bonds, unless it shall have been authorized and empowered so to do by a vote of a majority of the qualified voters of said town at an election to be called and held in the town of Cherryville on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen. Said board of commissioners shall order a new registration of the voters of said town for such election, and the registration and challenge of voters of said town shall be conducted, and the said election shall be held and conducted, in the same manner as is now prescribed by law for holding elections for mayor and commissioners of said town, except as otherwise provided in this act; that the mayor of said town shall give notice of said election and the purposes thereof by advertisement in one or more newspapers published in Gaston County, which said notice shall be published once a week for four successive weeks, the first publication to be at least thirty days before said election; that at the said election there shall be provided a separate box for each of said bond issues; that at said election the ballots tendered and cast by the qualified voters on the question of said public school building or buildings shall have written or printed on them the words "For School Buildings" or "Against School Buildings"; that at said election the ballots tendered and cast by the qualified voters on the question of street improvements shall have written or printed on them the words "For Street Improvements," or "Against Street Improvements"; that at said election the ballots tendered and cast by the qualified voters on

Bond issue to be authorized by voters.

Date of election.

New registration.

Laws governing registration and election.

Advertisement and election.

Ballot box.

Ballots.

the question of funding bonds shall have the words written or printed on them "For Funding Bonds" or "Against Funding Bonds"; that at said election the ballots tendered and cast by the qualified voters on the question of electric lighting shall have written or printed on them the words "For Lighting" or "Against Lighting"; that at said election the ballots tendered and cast by the qualified voters on the question of waterworks shall have written or printed on them the words "For Waterworks" or "Against Waterworks"; and in the event that a majority of the qualified registered votes on either of said bond issues shall be in the affirmative the board of commissioners shall be authorized to issue said bonds as in this act provided. That the board of commissioners shall call an election on either of said bond issues upon a presentation of a petition of one-fourth of the qualified voters of the town of Cherryville, on the first Tuesday in May annually thereafter, if the said bond issues or either of them fail to carry at the election to be called as provided herein, said election to be called in the same manner as provided for the election to be called on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, until the proposed bond issues or either of them are carried affirmatively.

Bonds issued on majority of qualified voters.

Subsequent elections on petition.

Construction and maintenance of sewer system.

Sec. 57. That the board of commissioners shall have power to and may construct or contract for the construction of a system of sewerage for the town and protect and regulate the same by adequate ordinances, and if it shall be necessary, in order to obtain a proper outlet for said sewerage, to extend the same beyond the corporate limits of the town, then in such case the board of commissioners shall have power to so extend it, and both within and without the corporate limits of the town to condemn land for the purpose of a right of way or other requirements of the system.

Power to condemn land.

Contracts for sewerage system.

Sec. 58. That the board of commissioners shall have power to contract for the establishment of a sewerage system and service by granting a franchise and making contracts with independent corporations, for an electric lighting system.

For electric lighting system.

Board of public works.

Sec. 59. That the board of commissioners shall appoint four freeholders, qualified electors of the town, one from each ward, to constitute a board of public works, who shall have charge of all public works and improvements of the town. That this board of public works shall have power to appoint a chairman and secretary for the transaction of business, and shall make reports to the board of commissioners, from time to time, of the condition of all affairs or matters in charge of said board of public works.

Organization.

Reports.

Management of public works.

Proviso: extension or enlargement.

Sec. 60. That the said board of public works shall have sole and entire control of the management of all public works: *Provided*, said board shall make no extension or enlargement of public works, except on recommendation of and by direction of the board of commissioners.

Sec. 61. That the board of commissioners shall have power in its discretion to assess owners of land abutting on streets paved by said town or on sidewalks paved by said town with an amount not to exceed fifty-five cents per square yard; that said assessment shall be collected in two installments, one-half of said assessments to be collected within six months from the said assessment and the remainder in twelve months from the said assessment by the board of commissioners; that said amounts assessed upon such abutting property-owners shall be collected in the same manner as other taxes or assessments are collected. Assessment on lands for street improvements. Limit of amount. Payment by installments.

Sec. 62. That on privies in the said town there shall be annually levied and collected a tax of two dollars and fifty cents. Privy tax.

Sec. 63. That the board of commissioners shall appoint a school commission for the graded schools or public schools of the town of Cherryville, to be composed of five qualified electors of the town of Cherryville, who shall also be freeholders and have been residents of the town of Cherryville for twelve months, one to be appointed from each ward in said town and one at large. At their first meeting after their appointment, the said school commissioners shall divide themselves (by lot or otherwise, as they may deem best) into two classes, the first class to be composed of three members, the second class to be composed of two members; the term of office of the first class shall be for one year; the term of office of the second class shall be for two years. Successors in office to the members of each class shall be elected by the board of commissioners of said town of Cherryville at their first meeting in the month preceding the expiration of the term of office of each class. Vacancies caused by death, removal, failure to qualify, or other cause shall be elected or appointed by said board of commissioners of the town of Cherryville at any meeting. Appointment of school committee. School commissioners classified. Terms of office. Election of successors. Vacancies.

Sec. 64. That the school commissioners hereinbefore provided for shall have entire control of the operation of the graded and public schools in the town of Cherryville, shall prescribe rules and regulations for the government of said schools, shall elect their own chairman, secretary, and treasurer, shall employ and fix the compensation of the superintendent and teachers, and prescribe standards and qualifications for said superintendent and teachers, and shall do other acts that are for the best interest of the schools of the town. Control of schools. Rules and regulations. Employment and compensation of superintendent and teachers.

Sec. 65. That all laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 66. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 211.

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE NEGOTIABLE BONDS TO RAISE MONEY FOR THE BUILDING OF ONE OR MORE ADDITIONAL PUBLIC SCHOOL BUILDINGS, FOR THE BUILDING OF A MUNICIPAL HOSPITAL, FOR THE EXTENSION AND IMPROVEMENT OF THE WATERWORKS AND SEWERAGE SYSTEM OF SAID CITY, AND FOR PROVIDING A MUNICIPAL BUILDING.

Preamble: purposes for which bond issues are desired.

Whereas the city of High Point desires to issue bonds to raise money for the building and providing for one or more public school buildings, additions to the present ones, and equipment, and for the establishment of a municipal hospital, and for the extension and improvement of the waterworks and sewerage system of the said city, and the construction of a water storage reservoir and equipment within the city limits, and for the erection of a municipal building, to contain a city hall, city market, municipal court, fire station and equipment, all of which have become desirable and necessary expenditures by the city of High Point, to provide for the health and safety and education of the rapidly increasing population of the city of High Point, and for the protection of the property of its citizens from fire and for the due enforcement and administration of its laws: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issues authorized.

Section 1. That the city council of the said city of High Point be and it is hereby authorized and empowered to issue negotiable bonds of the said city in the amounts and for the purposes as

Amount for school building.

follows: fifty thousand dollars ($50,000) for a new public school building or buildings and additions to the present buildings, and

Amount for municipal hospital.

school equipment; also twenty-five thousand dollars ($25,000) for the acquisition of a site and for the erection of a municipal hos-

Amount for reservoir.

pital for said city; also fifty thousand dollars ($50,000) for the building and equipping of said water storage reservoir within the city limits, together with all necessary pumps, connections and equipment, and for the extension and improvement of the present water and sewerage systems of the said city, all of which is a

Amount for municipal building.

necessary expenditure of said city; also fifty thousand dollars ($50,000) for the acquisition of a site and for the erection of a municipal building, to contain a city hall, city market, municipal court, a fire station and necessary equipment, all of which is a necessary expense of said city.

Denomination.

Maturity.

Interest.

Sec. 2. That the said bonds shall be coupon bonds of such denomination as may be determined by the city council, and shall mature thirty (30) years from date, shall bear interest at the

rate of five per centum per annum, payable semiannually, represented by coupons attached to said bonds, and both principal and interest of said bonds shall be payable in gold coin of the United States of America of the present standard of weight and fineness. Said bonds may be sold by the said city council at public or private sale, and the purchaser shall not be required to see to the application of the purchase money: *Provided, however*, that said bonds shall in no case be sold, hypothecated, or otherwise disposed of for less than their par value. Said bonds shall be signed by the mayor and the auditor of said city, and sealed with the corporate seal, attested by the clerk, and the coupons shall bear the engraved or lithographed signature of said mayor and said auditor. The said city council may fix by resolution the date of said bonds, place or places of payment thereof, and may in such resolution prescribe the form of said bonds, and all other matters in relation thereto not fixed by this act.

Payable in gold coin.

Sale of bonds.

Purchaser not liable for application.

Proviso: sale below par forbidden.

Authentication.

Resolution issuing bonds.

Sec. 3. That said bonds and their coupons shall be exempt from city taxation until all of them become due, and the coupons when due shall be receivable in the payment of city taxes.

Exemption from city tax.

Coupons receivable for city tax.

Sec. 4. That for the purpose of paying said bonds at maturity, and coupons as they become due, it shall be the duty of the city council of said city, and it is hereby empowered and directed so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation in said city in the same manner and at the same time as other taxes are collected: *Provided*, that the said taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose. It shall be the duty of the treasurer of said city, as coupons of the said bonds are paid off and taken up, to cancel the same and report, not less than twice a year, to the city council the number and amounts of coupons so canceled.

Special tax.

Proviso: specific appropriation.

Cancellation and report of coupons.

Sec. 5. That the said city council may, in its discretion, issue said fifty thousand dollars ($50,000) waterworks and sewerage extension bonds and the said fifty thousand dollars ($50,000) municipal building bonds herein authorized, without submitting the question of the issue of said bonds to a vote of the qualified voters of said city, the same being a public necessity, though the said city council may, in its discretion, submit the question of the issuance of said bonds to a vote of the qualified voters of said city, without prejudice.

Election discretionary on waterworks and building bonds.

Sec. 6. That the said city council shall not issue the said twenty-five thousand dollars ($25,000) municipal hospital bonds or the said fifty thousand dollars ($50,000) school building bonds or any of them, nor levy or collect any taxes to pay the principal or interest of said school building bonds or municipal hospital bonds unless it shall have been authorized and empowered so to do by vote of the majority of the qualified voters of said city, at an election to be called and held in said city, at such time and place

Bonds submitted to election.

New registration.

Law governing registration and election.

Notice of election.

Ballots.

Ballot boxes.

Question decided by majority of vote cast.

or places as said city council shall appoint. Said city council shall order a new registration of the voters of said city for such election, and the registration and challenge of voters shall be conducted, and the said election shall be held and conducted in the same manner as is now prescribed by law for holding elections for mayor and councilmen of said city, except as otherwise provided in this act; that the mayor of said city shall give notice of said election and the purposes thereof, by advertisement in one or more newspapers published in said city, which said notice shall be published once a week for four successive weeks, the first publication of said notice to be at least thirty days before said election; that at said election the ballots tendered and cast by the qualified voters on the question of the issue of said school building bonds and the said municipal hospital bonds, and, if submitted to a vote of the people, on the question of the issue of the said waterworks and sewerage extension bonds, and the said municipal building bonds, and the levy of taxes to pay the principal and interest on said bonds shall have written or printed upon them, respectively, the words, "For School Building Bonds," or "Against School Building Bonds," "For Municipal Hospital Bonds," or "Against Municipal Hospital Bonds," "For Waterworks and Sewerage Extension Bonds," or "Against Waterworks and Sewerage Extension Bonds," and "For Municipal Building Bonds," or "Against Municipal Building Bonds"; and all qualified voters of said city who vote for the issue of any or all said bonds and the levy of said tax, upon the conditions and terms set out in this act, shall vote "For School Building Bonds," "For Municipal Hospital Bonds," "For Waterworks and Sewerage Extension Bonds," and "For Municipal Building Bonds," respectively, as desired, and all qualified voters opposed thereto shall vote "Against School Building Bonds," "Against Municipal Hospital Bonds," "Against Waterworks and Sewerage Extension Bonds," and "Against Municipal Building Bonds," respectively, as desired. There shall be a separate ballot box for every bond issue voted upon at each polling place. In the event that a majority of qualified registered votes cast on said question shall be "For School Building Bonds," "For Municipal Hospital Bonds," "For Waterworks and Sewerage Extension Bonds," and "For Municipal Building Bonds," or for any one or more of these issues, then and in that event the city council shall be authorized to issue bonds, as in this act provided, for those issues which receive a majority of the qualified registered votes cast.

Further election.

Sec. 7. That the said city council may call an election under this act at any time it may see fit, after giving the notice herein provided for, and observing the law relating to elections as required by this act; but the rejection by the voters of the said proposition shall not prevent the city council in calling another election or elections under this act until the proposition is carried affirma-

tively; nor shall the rejection by the voters of the waterworks and sewerage extension bond issue, or the municipal building bond issue prevent the city council from issuing the said waterworks and sewerage extension bonds and municipal building bonds, as is provided in section five of this act.

Full authority for bond issue.

Sec. 8. That this act shall, without reference to any other act of the General Assembly of North Carolina or the charter of the city of High Point, be full authority to the city of High Point to issue and sell bonds as in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of the *bona fide* purchasers for value. All acts and parts of acts, public or private, so far as they are inconsistent with this act, are hereby repealed. No proceedings on the part of said city in respect of the issue of said bonds shall be necessary, except such as are required by this act.

Sec. 9. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 212.

AN ACT TO AMEND CHAPTER 113, PRIVATE LAWS 1903, AMENDING CHARTER OF THE TOWN OF BREVARD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section stricken out.

Section 1. That section twenty-one of chapter one hundred and thirteen, Private Laws one thousand nine hundred and three, be stricken out and the following be inserted in lieu thereof:

Powers in improving streets.

"Sec. 21. That the board of commissioners of the town of Brevard shall have full power and authority to construct, repair, pave with brick or other material, and otherwise improve the sidewalks and streets, or any part of same as may, in their judgment, be deemed advisable, by an ordinance or resolution duly passed or adopted by said board; and said streets and sidewalks and lots abutting thereon, when so designated by said ordinance or resolution, shall become a taxing district, and the word 'lot' when it occurs in this act shall be taken to mean the whole of the frontage abutting on said street or sidewalk, graded, constructed, paved, or otherwise improved, and shall extend back from said street or sidewalk on which said lot or lots abut the full distance of said lot as owned by said property owner or owners."

Taxing district.

Lot defined.

Sec. 2. That section twenty-two of chapter one hundred and thirteen, Private Laws one thousand nine hundred and three, be stricken out and the following be inserted in lieu thereof:

Apportionment of cost.

"Sec. 22. That in order to more effectually carry out the authority delegated and the duty imposed by the preceding sections, the board of commissioners of said town shall have authority to assess and apportion the cost of the sidewalk and street constructed, repaired, paved, or improved, between the town and the lot or lots abutting thereon, and they may assess not more than one-half of the cost against the lot or lots abutting thereon and not less than one-half against the town, as may be deemed by the

Procedure for assessment.

said board best and most equitable so to do. The amount so assessed against the abutting lot or lots herein improved shall be ascertained as provided for in the said ordinance or resolution of

Assessment a lien on lots. Payment by installments.

said board, and said amount shall be a lien on such lot or lots and shall be entered on the minutes of said board. The said assessment so charged against said lot or lots shall be paid in five equal installments at the option of the owner or owners, or same may be paid in one or more installments, not exceeding five; the said owner or owners of said lot or lots shall pay interest at six per cent on de-

Enforcement of payment.

ferred payments, and if the amount of principal or interest is not paid when due, as provided for by said ordinance or resolution, and shall not be paid after thirty days notice to the owner or agent, the said clerk of said board of commissioners shall issue execution against said lot or lots, directed to the marshal of said town, who shall proceed to advertise the said lot or lots, under such rules and regulations as are now or may hereafter be provided for by the ordinances or resolutions of said town for the sale of real estate for taxes, and shall sell same and convey same as other land for taxes."

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 213.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE RALEIGH, CHARLOTTE AND SOUTHERN RAILWAY COMPANY," RATIFIED THE 7TH DAY OF MARCH, 1911.

Preamble: incorporation.

Whereas the General Assembly of North Carolina, by an act entitled "An act to incorporate the Raleigh, Charlotte and Southern Railway Company," ratified the seventh day of March, one thousand nine hundred and eleven, incorporated the Raleigh,

Preamble: purchase by Norfolk Southern.

Charlotte and Southern Railway Company; and whereas Norfolk Southern Railroad Company acquired by purchase the capital stock of Raleigh, Charlotte and Southern Railway Company, Raleigh and Southport Railway Company, Durham and Charlotte Railroad Company, Sanford and Troy Railroad Company, and

Preamble: merger of roads.

Aberdeen and Asheboro Railroad Company; and whereas Raleigh and Southport Railway Company, Durham and Charlotte Railroad

Company, Sanford and Troy Railroad Company, Aberdeen and Asheboro Railroad Company, and the Raleigh, Charlotte and Southern Railway Company merged the properties, franchises, and privileges of the said several companies, by certificates of merger filed in the office of the Secretary of State on the sixteenth day of February, one thousand nine hundred and twelve, under the name of Raleigh, Charlotte and Southern Railway Company:

The General Assembly of North Carolina do enact:

Section 1. That the purchase of the stock of Raleigh, Charlotte and Southern Railway Company, Raleigh and Southport Railway Company, Durham and Charlotte Railroad Company, Sanford and Troy Railroad Company, and Aberdeen and Asheboro Railroad Company, and the mergers of said railroad companies, as shown by the certificates of merger filed in the office of the Secretary of State on the sixteenth day of February, one thousand nine hundred and twelve, be and the same are hereby in all respects ratified, validated, and confirmed. Purchases and merger validated.

Sec. 2. That Raleigh, Charlotte and Southern Railway Company and its assigns shall have all the rights, powers, privileges, and franchises owned by or belonging or appertaining to each of said corporations whose properties have been merged under said name, together with all the rights, powers, privileges, and franchises heretofore conferred upon such company by chapter four hundred and twenty-eight of the Private Laws of North Carolina, session one thousand nine hundred and eleven, entitled "An act to incorporate the Raleigh, Charlotte and Southern Railway Company," including the power of eminent domain and the right to construct any uncompleted part of the lines of any of the said railroad companies, and such company shall have power to sell and transfer all or any part of its railroad, property, rights, powers, privileges, and franchises to Norfolk Southern Railroad Company, and any conveyances heretofore made by the Raleigh, Charlotte and Southern Railroad Company to Norfolk Southern Railroad Company of its rights, powers, privileges, and franchises are hereby ratified, validated, and confirmed; and Norfolk Southern Railroad Company shall have and succeed to all the rights, powers, privileges, and franchises of the Raleigh, Charlotte and Southern Railway Company in respect to such property, rights, privileges, and franchises as have been or may be conveyed to Norfolk Southern Railroad Company: *Provided*, that no conveyance, lease, transfer, or an assignment of any such property, rights, privileges, or franchises shall be made so as to vest the said property or any part thereof in any competing line of railroad or transportation company, nor shall said railroad or transportation company enter into any contract, agreement, or understanding with any competing line of railroad or transportation company, calculated to defeat or which may defeat or lessen competition in this State: Privileges and franchises revested. Power of sale. Conveyance ratified. Proviso: contracts for limitation of competition forbidden.

Proviso: subject to State laws.

and *Provided further*, that the said Norfolk Southern Railroad Company, as to its property and franchises located and situated in this State, shall be subject to all the laws of the State of North Carolina and shall not have the power or right to remove any suit or action which may be brought against it in the courts of the State of North Carolina to the courts of any other jurisdiction.

Removal of actions forbidden.

Domestic corporations.

Any and all corporations except the Norfolk Southern Railroad Company consolidated, leased, or organized under the provisions of this act, shall be domestic corporations of North Carolina for the purposes of jurisdiction and shall be subject to the laws and jurisdiction thereof.

Validity of existing mortgages and bonds.

Sec. 3. That the validity of any mortgage, bonds, or other encumbrances now outstanding against the property formerly owned by any of the said companies shall not be affected by the provisions of this act, but the said property shall be and remain subject to the said mortgage, bonds, or other encumbrances.

Liability of company and purchaser.

Sec. 4. Said Raleigh, Charlotte and Southern Railway Company, and any company purchasing the rights, privileges, and franchises of said company, shall be liable for all the debts and liabilities of every kind and character of each of the aforesaid companies.

Sec. 5. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 214.

AN ACT TO INCORPORATE THE TOWN OF BUNN, FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Bunn, in Franklin County, be and

Corporate name.

the same is hereby incorporated by the name and style of Bunn,

Corporate powers.

and shall have and be entitled to all the powers, rights, and privileges, and be subject to the restrictions and liabilities granted and conferred by and arising under the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina and the laws amendatory thereof.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning in the Louisburg Road in Perry Strickland's line, running north eighty-five degrees east five hundred yards to a stake in said Perry Strickland's line; thence south thirty-eight degrees east five hundred and thirty-five yards to J. R. Wright's line; thence south fifty degrees west five hundred and fifty yards to the Louisburg Road, touching corner of C. H. Mullen's lot on the northwest; thence along said road south thirty-eight degrees east twenty-five yards to the corner of the schoolhouse lot on the northeast; thence along said lot south sixty degrees west two hundred

and fifty yards to J. A. Pippin's and schoolhouse line; thence north thirty-eight degrees west two hundred and fifty yards to the corner of Peyton Sykes' and J. A. Pippin's line; thence west two hundred yards along said line to the North State Development Company's line; thence north thirty-eight degrees west one thousand and forty-three yards to a stake; thence north fifty degrees east five hundred yards to the beginning.

Town officers.

Sec. 3. That the officers of said corporation shall consist of a mayor and four commissioners, and that the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and fourteen, or until their successors are duly elected and qualified, namely: For mayor, Payton Sykes; for commissioners, Robert White, B. C. Johnson, John Sykes, and J. H. Weathers.

First officers named.

Town elections.

Sec. 4. That an election for mayor and four commissioners shall be held on the first Monday in May, one thousand nine hundred and fourteen, and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this State.

Legislative powers.

Sec. 5. That said commissioners shall have power to pass all ordinances, rules and regulations for the good government of the corporation, not inconsistent with the laws of this State and the United States.

Taxing power.

Sec. 6. That said commissioners shall have power to levy a tax on all the taxable property within the corporate limits, and also a special street tax on all able-bodied males between the ages of eighteen and forty-five years of age, not to exceed the limits provided by chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina.

Power to abate nuisances.

Sec. 7. That the commissioners shall have the power to abate all nuisances, and for this purpose may impose fines and penalties necessary to abate the same.

Clerk, treasurer, and constable. Bonds of officers.

Sec. 8. That the commissioners when organized shall have power to appoint a clerk and treasurer, also a town constable. The treasurer and constable shall enter into a bond of not less than five hundred dollars, with approved sureties, before entering upon the discharge of their duties of office.

Mayor to qualify, call, and hold election.

Sec. 9. That the mayor-elect, before entering into office, shall go before some person authorized to administer oaths, and take the oath provided for a justice of the peace, and said mayor shall call and hold an election, as provided by chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, and the general election laws for municipalities in the State, on the first Monday in May, one thousand nine hundred and fourteen, and each successive year thereafter.

Jurisdiction of mayor.

Sec. 10. That the mayor of said town shall have, within the corporate limits thereof, the jurisdiction and powers of any other magistrate in said county of Franklin.

Commissioners to qualify.

Sec. 11. That the said commissioners, before entering upon the duties of their office, shall take the oath of office prescribed by law and thereafter shall have full power and authority to enter upon their duties of said office.

Constable to qualify.

Sec. 12. That the constable-elect shall go before some person authorized by law to administer oaths and take the oath usually taken by constables upon entering upon the duties of said office; and said constable shall by virtue of his office be the tax collector for said town and shall give bond accordingly.

Tax collector and bond.

Fines and penalties for benefit of town.

Sec. 13. That all fines and penalties shall be paid into the town treasury for the benefit of the town.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 215.

AN ACT TO PROMOTE THE BUILDING OF STEAM AND ELECTRIC RAILROADS IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Petition for election.

Section 1. That whenever a petition, signed by at least twenty of the qualified voters of any township in Wilkes, Alexander, or Ashe County, shall be presented to the commissioners of said county, asking them to submit to the qualified voters of such township a proposition to subscribe money or bonds, or to donate money or bonds, to any railroad company, either steam or electric, that shall construct a railroad, either steam or electric, through such township, or through any township proposing to vote said money or bonds, it shall be the duty of the said commissioners to order an election in such township, or in any and all townships so petitioning, to determine whether the said townships or any of them shall subscribe money or bonds or make donations to said railroad company.

Proposition to be submitted.

County commissioners to order election.

Terms stated in petition.

Sec. 2. That the terms of the proposition to be submitted to the qualified voters of such townships or township and the amount of stock, bonds, money, or donation to be subscribed, issued, or donated by said township or townships, respectively, shall be those mentioned in the petition or petitions signed by at least twenty of the qualified voters of such township or townships, respectively, and presented to the said commissioners.

Minimum number of petitioners.

Commissioners to frame proposition.

Sec. 3. That upon receiving a petition or petitions, and whenever from time to time a petition is so received fulfilling the above requirements, it shall be the duty of the commissioners of Alexander, Ashe, or Wilkes County to frame a proposition or propositions in accordance with the terms of the proper petition or petitions, re-

spectlveiy, and for not less than thirty days in each case to cause it or them, with a notice of election or elections, to be advertised in one or more newspapers published in the county in which such township is situated, to submit the question of subscribing money or bonds, or of donating money or bonds, to any railroad company mentioned in the petition, in accordance with the terms of said proposition or propositions, to the qualified voters of such township or townships, respectively, at an election to be held under the general election laws of this State as to voting and registration and in the same manner as elections for members of the General Assembly are held. At such election, if the proposition submitted shall be to subscribe to the capital stock of said railroad company, those in favor of said proposition shall vote a ticket on which shall be written or printed the words "For Subscription," and those opposed to said proposition shall vote a ticket on which shall be written or printed the words "Against Subscription," but if the proposition shall be to donate to said railroad company, then those in favor of the proposition shall vote a ticket on which shall be written or printed the words "For Donation," and those against said proposition shall vote a ticket on which shall be written or printed the words "Against Donation." The said commissioners shall meet at their respective courthouses on the third day after any such election and canvass the returns and declare the result.

Advertisement of proposition and election.

Law governing elections.

Tickets.

Canvass of returns and declaration of result.

Sec. 4. That if at an election held in any township in Alexander, Ashe, or Wilkes counties under the terms of this act, a majority of the qualified voters of said township shall vote for subscription to the capital stock of any railroad, either steam or electric, then the chairman of the board of commissioners of Alexander, Ashe, or Wilkes County, in which said township may be located, for and in behalf of said township, shall subscribe to the capital stock of the railroad mentioned in said proposition or propositions, either steam or electric, the amount voted by the qualified voters of said township, said subscription to be governed by the conditions of the proposition submitted to the said voters.

Chairman of county commissioners to make subscription on majority of qualified vote.

Subscription governed by conditions of proposition.

Sec. 5. That the several townships of Alexander, Ashe, and Wilkes counties are hereby incorporated for the purposes of this act, and the commissioners of the county in which such township is located are hereby constituted and appointed the agents of said corporations for said purposes.

Townships incorporated.

County commissioners corporate agents.

Sec. 6. That whenever any township in Alexander, Ashe, or Wilkes counties shall vote bonds in payment for the capital stock of any railroad company or in any payment of a donation to said railroad company, either steam or electric, and it shall be lawful for any township voting to subscribe or donate to the capital stock of any railroad company under the terms of this act, to issue bonds in payment of such subscription or donation, the said commission-

Bond issue in payment of subscription or donation.

County commissioners to issue bonds.

ers of said counties in which said township is located shall, as agents of said township or townships, issue said bonds in accordance with the terms of the proposition or propositions adopted by a majority of the qualified voters of the township or townships, respectively, whose bonds are to be issued. Said bonds shall run for a period not exceeding thirty years and bear a rate of interest not exceeding six per cent per annum, payable annually or semi-annually, the principal to be payable at such times and in such amounts as shall be set forth in the respective petitions and propositions of the respective townships asking for an election under the terms of this act. The substance of said petitions shall be set forth in the face of said bonds. Said bonds shall otherwise be issued under such terms and in such forms as the board of commissioners of the county in which such township is located may determine and shall be signed by the chairman of said commissioners and countersigned by the clerk to the board of said commissioners.

Maturity and interest.

Substance of petition set out.

Authentication.

Special tax.

Sec. 7. That the said commissioners of Alexander, Ashe, or Wilkes counties in which such township is located shall levy upon the taxable property of any township voting bonds under the terms of this act a special tax for the payment of the interest and, in proper time, of the principal of any bonds voted by that township and issued under the terms of this act, and for the payment of any expenses incurred because of elections held under this act, said taxes to be levied at the same time that other taxes for the county are levied and collected in the same manner that the general county taxes are collected.

Levy and collection.

Railroad taxes applied to interest.

Sec. 8. That when any township in Alexander, Ashe, or Wilkes counties shall subscribe its bonds to the capital stock of any railroad company, either steam or electric, or donate the same, as provided in this act, the county taxes which shall be levied and collected upon the property and franchise of said railroad companies in said township shall be applied in payment of the interest on said bonds to the amount of said interest as long as the same shall accrue, and the excess of said taxes, if any, shall be set aside as a sinking fund to be applied to the payment of the principal of said bonds, as the same may, from time to time, become due; and when the interest and principal of said bonds shall have been paid in full, then said taxes shall be applied to general county purposes in the same manner as taxes on other property.

Excess to sinking fund.

Sec. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 216.

AN ACT TO AUTHORIZE THE MAYOR AND TOWN COUNCIL OF THE TOWN OF RUTHERFORDTON TO ISSUE BONDS TO PAY OFF DEBTS CONTRACTED FOR NECESSARY EXPENSES.

The General Assembly of North Carolina do enact:

Section 1. That whereas the amount of bonds hitherto issued by the mayor and board of commissioners of the town of Rutherfordton for the construction of an electric light system and a water system in said town has proven inadequate to complete the same; and whereas the completion of the same was a necessary expense to preserve the health and safety of the inhabitants of the said town; and whereas the mayor and board of commissioners have been compelled to borrow the sum of ten thousand dollars ($10,000) in order to complete the same; and whereas the said mayor and board of commissioners have also been compelled to borrow and execute notes for the sum of two thousand dollars ($2,000) or more, to be used for improving streets, constructing culverts and bridges of the said town:

Preamble: former issue inadequate.

Preamble: completion of work a necessary expense.

Preamble: money borrowed for completion.

Preamble: money borrowed for street work.

Sec. 2. The said mayor and board of commissioners (town council) are hereby authorized and empowered to issue coupon bonds in an amount not to exceed the sum of twelve thousand dollars ($12,000), the proceeds of which bonds when sold, as hereinafter provided, shall be applied to the payment of the money borrowed as aforesaid to complete said system and lawful interest now due thereon, and to improve streets, culverts, bridges, etc., of the town. Said bonds shall be in denominations of not more than one thousand dollars ($1,000) nor less than one hundred dollars ($100) and shall draw interest at a rate not to exceed six per cent (6%) from date of issue, interest payable annually or semiannually, at the option of the said mayor and commissioners. The said bonds shall become due and payable at such times and place as may be determined upon by the mayor and board of commissioners (town council), not to exceed thirty (30) years from date of issue, nor for less than twenty (20) years, and shall be signed by the mayor and secretary and treasurer of the said town and shall bear the common seal of the said town.

Bond issue authorized.

Amount.

Application of proceeds.

Denomination.

Interest.

Maturity.

Authentication.

Sec. 3. Said bonds shall be sold in such a way and manner as may be deemed expedient by the mayor and board of commissioners, and the proceeds derived therefrom shall be placed in the hands of the town treasurer to be expended for the purposes provided for in this act, and the same shall be issued by the said mayor and board of commissioners, without submitting the question to a vote of the inhabitants of the said town.

Sale of bonds.

Proceeds paid to treasurer.

No election.

Sec. 4. The mayor and board of commissioners (town council) are empowered to levy a special tax each year upon subjects of

Special tax.

taxation upon which said mayor and board of commissioners now have, or upon which they shall have at any future time, power to levy tax according to law, for the purpose of paying the interest on said bonds and also for the purpose of creating a sinking fund, if the said board shall determine so to do, for the purpose of paying the principal of same when due.

Extension of electric light system.

Sec. 5. It shall be lawful, and the said mayor and commissioners shall have a right, to use such amount of the funds derived from the sale of bonds as are necessary for the purpose of extending the electric light system of the said town to Forest City, in Rutherford County, North Carolina, for the purpose of furnishing electric lights and power to the said town of Forest City, from which the said town of Rutherfordton will receive revenue, to be applied to the payment of interest on the bonds issued by the said town of Rutherfordton for electric lights and water and to be used in paying the necessary running and operating expenses of the said electric light plant. And the said town of Rutherfordton and the town of Forest City, or either or both of them, shall have a right to erect polls and string wires between the two said towns for the purpose of transmitting the electric current from Rutherfordton to Forest City, and shall have the right and authority to condemn the necessary land for said purpose, said condemnation proceeding to be had as is now provided by law for condemnation by railroads or electric light and power companies.

Construction of transmission lines.

Power to condemn land.
Procedure for condemnation.

Sec. 6. That all acts and clauses of acts in conflict with the provisions of this law are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 217.

AN ACT TO PROVIDE A SYSTEM OF SEWERS FOR THE TOWN OF TRYON, IN POLK COUNTY, AND TO PROVIDE FOR THE PAYMENT OF THE SAME, AND TO RATIFY ACTION HERETOFORE TAKEN BY THE TOWN OF TRYON AS TO A SEWER SYSTEM.

The General Assembly of North Carolina do enact:

Construction and maintenance of sewer system.

Section 1. That the commissioners of the town of Tryon shall, from time to time, lay, build, and construct in said town of Tryon, in Polk County, such system or systems of sewerage and sewer pipes and extension of the same as to the said commissioners may seem advisable for the protection of the health of the said town and for local improvement, or shall cause the same to be so laid, built, and constructed, and shall keep the same in proper

condition and repair, with proper connections, and make all necessary provisions for so doing, and shall control and regulate such system or systems and every part thereof, and may require the owner or owners of any improved lots in said town on any public street or alley where such sewer pipes have been laid, or are conveniently accessible, or any line of pipes, to connect such lot with such sewer system and sewer pipes in the manner and at the places designated by said commissioners, upon notice issued by the clerk of said commissioners to such owner or owners; and should such owner or owners fail for fifteen days after such notice to comply therewith said commissioners may enter upon such lot or lots and make such connections and charge the costs thereof against such lot or lots and cause the same to be entered by the clerk of said commissioners in a book to be kept by him for that purpose, and the said clerk shall place in the hands of the tax collector of said town of Tryon, immediately, copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said town, and such costs so charged shall constitute, from the commencement of the work for which they are charged, a lien upon the respective lots upon which they are so charged, and if any of them are not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and costs, for the whole of such lots shall be advertised and sold by the tax collector of said town of Tryon for the payment of the same under the same rules, regulations, and rights of redemption and in the same manner as are prescribed for the sale of real estate for unpaid taxes. And in all cases where a sewer shall be laid by or under the authority of said commissioners in any street in said town of Tryon, the cost and expense of laying and constructing the same, or so much thereof as may appear advisable to said commissioners, shall be assessed against the property abutting on each side of said street, as well as against all property within the radius of benefits arising from such improvements, though not actually abutting thereon, the property liable to assessment hereunder and the apportionment of the costs and expenses of said improvement against the same, in case of disagreement between the owner or owners thereof and said commissioners of said town of Tryon, as to the pro rata part of said costs and expenses which should be assessed against any piece or parcel of property benefited as aforesaid, shall be determined by a jury of five freeholders of said town of Tryon, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvements, and said jurors are to be summoned by the marshal of said town of Tryon, and shall be sworn by the mayor of said town of Tryon, or any other person competent to administer oaths in this State, to faithfully and impartially execute the duties of their offices before entering upon

Compulsory connections.

Connection made by city at cost of owner.

Collection of charges.

Lien for charges.

Apportionment of cost of sewer.

Determination of property liable for assessment.

the performance thereof; and after being sworn said jury shall proceed without unnecessary delay to view the street and section in which said improvement has been or is about to be made, as hereinbefore described, and all the property deemed by them to be beneficially affected thereby, as hereinbefore described, and shall within a reasonable time thereafter, not exceeding five days, and after due consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property deemed by them to be beneficially affected by said improvement, together with the amount of special benefit thereto arising from such improvement, and giving also the name or names of the supposed owner or owners thereof; and, after making up their report as herein required, said jury shall forthwith file the same with the clerk of the commissioners of said town of Tryon, who shall submit it to said commissioners at their next meeting, for their action. Said commissioners shall, at said meeting or at any regular meeting thereafter, require the clerk of said commissioners to publish a notice, of not less than three weeks in some newspaper published in said town, to the effect that said jury has made its report and prorated and assessed the cost and expense of said improvement (which shall be generally destribed) against the property specially benefited thereby, naming, where possible, the owners thereof or the party in whose name said property may be listed for taxation, or in case the name of the owner cannot be ascertained and said property is not listed for taxation, then the name of the party occupying the same, if any, and admonishing all persons interested therein, particularly those named in said notice, that said report has been filed with the clerk of said commissioners, and they and each of them are required to be and appear at a meeting of said commissioners, to be specified in said notice, and show cause, if any should exist, why said report should not be approved and confirmed by said commissioners; and a copy of said notice shall be mailed by said clerk to the addresses of such owners of lots named in said notice as the postoffice addresses may be known; and in case no newspaper is published in the town of Tryon, then said notice shall be posted at the office of the mayor of said town, at the postoffice of said town, and at three other public places within the said town; and at the meeting of said commissioners specified in said notice said commissioners shall take up and consider the report of said jury and hear any competent evidence from any person interested in the property affected thereby touching any matters covered by said report; and to that end said commissioners are hereby constituted a court with power to send for persons and papers, to provide for the examination of witnesses, and to punish witnesses or others, in proper cases, for contempt of court. And after hearing evidence as aforesaid and duly considering said report, or, in case no objection is made, after duly considering said report,

Advertisement of report of jury.

Notice mailed to lot owners.

Notice posted.

Hearing on report.

Record of sewer lines.

said commissioners may approve, correct, amend, modify, or reject the same or any item therein, as to them may seem just and proper; and the report, or said corrected, amended, or modified report, as the case may be, shall then be entered in full in a book to be provided for that purpose by the said commissioners and to be entitled "Record of Sewer Lines," which book shall be properly and accurately indexed, as near as may be, in the name of the owner of the property affected by said improvement, so as to enable the public (to whom said book with its index shall always be open and accessible during business hours) to readily ascertain what property may be affected by said assessment against each piece or parcel of property: *Provided, however*, in no case shall any property be assessed by said jury or commissioners of said town on account of said improvement in excess of the special benefit or enhanced value of said property from said improvement. Any aggrieved party may appeal from the final determination of said board of commissioners with respect to said report, or to any item therein, as aforesaid, within ten days after the registration thereof, as above prescribed, and to the next term of Superior Court of Polk County, by serving notice of appeal upon the mayor of the town of Tryon, and specifying therein the particulars in which he considers himself aggrieved by such determination of said commissioners; and on any such appeal the appellate court shall have power to increase, affirm, or diminish the amount of the assessment on account of improvement, and such an appeal shall in no wise hinder, obstruct, or delay such improvement. The amount of any special benefit or enhanced value so assessed against any premises by the said commissioners of said town, or on appeal adjudged against the same, shall, upon final determination of said commissioners of said town with respect thereto, in case no appeal is taken therefrom, or upon final judgment of the court in case of any such appeal, be and become a lien in favor of said town of Tryon on said property on which it has been so assessed or adjudged, as of the time of such final determination on the part of said commissioners, and shall be paid to the said town of Tryon in three equal annual installments, one, two, and three years, respectively, together with interest on each installment at the rate of six per centum per annum from said date. If any installment shall remain unpaid for thirty days after its maturity, all installments then unpaid shall become due, and the property and premises so assessed or charged shall be sold for the payment of the same and of the expenses of such sale and costs, by the tax collector of said town, under the same rules, regulations, restrictions, rights of redemption, and other provision as are prescribed for the sale of real estate for unpaid taxes. The installments of the assessments herein mentioned or any part of the same may be assigned and transferred by said city, either absolutely or conditionally, as to the said commissioners may seem best.

Book open for inspection.

Proviso: limit of assessment.

Right of appeal.

Judgment on appeal.

Assessment a lien on property.

Assessment payable in installments.

Collection of installments.

Installments transferable.

Right to condemn land.

Sec. 2. When any land or right of way within or without the limits of the said town of Tryon shall, in the opinion of the said commissioners of said town of Tryon, be required for the purpose of laying sewer pipes or making manholes, or for any other purpose connected with the successful operation of such sewer system or systems, and the owners of such property and said commissioners of said town cannot agree as to the damage by reason thereof,

Procedure for condemnation.

the same shall be condemned and damages assessed therefor in the manner prescribed for the condemnation of property for streets in said town in chapter thirty-nine (39) of the Private Laws of North Carolina, session of one thousand eight hundred and ninety-one (1891). For the purpose of successfully constructing and operating such sewer system or systems, said commissioners of said town of Tryon shall have power to extend the system and any branch or branches thereof beyond the limits of said town in any direction or directions which it may think proper, and to exercise all rights and privileges in the establishment, construction, operation, repair, and control of such sewer system or systems, and any and all branches thereof, whether within or without the limits of said town, as to the said commissioners may seem proper.

Extension beyond corporate limits.

Acceptance of donations, contributions, or gifts authorized.

Sec. 3. That the said commissioners of the said town of Tryon are authorized and empowered, in their discretion, to accept such donations, contributions, or gifts as any person, whether owners of property within said town or not, may give, contribute, or bestow upon said town for the purpose of constructing said sewer system or systems, and, in case of owners of property abutting on such system or systems, or of property improved and enhanced by the construction of such improvement, said commissioners may accept such donations, contributions, or gifts to be applied to the payment of the construction of said sewer system or systems through the property or in the vicinity of the property of the donor or contributor; but any donations, contributions, or gifts shall not be applied to the reduction or payment of the assessments of any property other than the property of the person making the donation, contribution, or gift; and any such donations, contributions, or gifts shall be used for no other purposes than for the construction, operation, and maintenance of the sewer system or systems of said town.

Application of donations.

Specific appropriation of donations.

Sewer lines constructed or in process of construction.

Sec. 4. That in the case of any sewer lines which have already been constructed by said commissioners of said town of Tryon, the said commissioners of said town shall have the same rights, powers, and authority to enforce connection and payment for the construction, repair, and maintenance as are prescribed in section one of this act, and the provisions of said section and of this act are as completely and fully applicable to any sewer line or lines under process of construction, or already constructed, as though such line or lines were expressly referred to in said section and

act. And any donations, contributions, or gifts which have been given, contributed, or bestowed upon said commissioners to aid in the construction of any sewer line or lines heretofore shall be applied to the payment of assessments for the construction of said sewer which might be assessed against the donor or contributor, but shall not be applied to the payment or reduction of the assessment to be levied against the property of any other owner.

Appropriation for sewers approved.

Sec. 5. That the action of the commissioners of the town of Tryon in appropriating money in the treasury of the town of Tryon for the purpose of constructing a sewer line from Oak Hall Hotel and Melrose Avenue to Vaughans Creek, under the advice and supervision of the State Board of Health, and the action of said commissioners in constructing said line of sewer, is hereby ratified and approved, and the said commissioners are hereby expressly authorized and empowered to adopt such rules, regulations, and resolutions respecting said line of sewer as may be necessary in order to compel the owners of property abutting Melrose Avenue and property improved and enhanced by said improvement to connect with and use said line of sewer, in the same manner as is in section one of this act provided for sewer lines hereafter to be built, and also to enforce the payment of assessments for the construction, operation, and maintenance of said sewer line.

Sewer regulations.

Power to issue bonds not divested.

Sec. 6. That nothing in this act shall prevent the said town of Tryon from issuing bonds to pay the expense, or a portion of it, for a sewer system or systems, under the provisions of chapter eighty-six (86) of the Laws of one thousand nine hundred and eleven (1911), if the voters of said town should hereafter vote in favor of such an issue, but, in the event such bonds are issued, then the provisions of this act shall be applicable to the power of the commissioners of said town to levy assessments for that part of the construction, operation, and maintenance of said system or systems not provided for by said bond issue.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 218.

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ISSUE BONDS FOR SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of aldermen of the city of Charlotte is hereby authorized and empowered to issue bonds in the name of the city of Charlotte, in such denominations and forms as it may determine, to an amount not exceeding fifty thousand dollars,

Denomination and forms.

payable at such times and places as may be determined by said board of aldermen: *Provided*, that the time of the payment of the principal of such bonds shall not be less than twenty nor more than thirty years from the date thereof.

Proviso: maturity.

Interest.

Sec. 2. That said bonds shall bear interest at no greater rate than four and one-half per centum per annum, and that the interest shall be made payable semiannually; and in no case shall the said bonds be sold, hypothecated, or otherwise disposed of for less than their par value.

Sale below par forbidden.

Authentication.

Sec. 3. That said bonds shall be signed by the mayor, attested by the city clerk and treasurer, and sealed with the corporate seal of the city of Charlotte, and shall have interest coupons attached thereto, which coupons shall bear the engraved or lithographed signature of the city clerk and treasurer of the city of Charlotte. The purchaser of said bonds shall not be bound to see to the application of the purchase money. Said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of city taxes; the said bonds shall be sold at either public or private sale, with or without notice, as the board of aldermen may determine.

Purchaser not liable for application.
Exempt from city tax.
Coupons receivable for city taxes.
Sale of bonds.

Purpose of bonds.

Sec. 4. That said bonds shall be issued for the purpose of securing funds for the erection, construction, and equipment of a new public school building on the site of the present "Old South Graded School"; such bonds shall be known as "School Bonds," and the proceeds from the sale of said bonds shall be used for no other purpose than that specified in this act.

Entitlement.

Specific appropriation.

Special tax.

Sec. 5. That the board of aldermen of the city of Charlotte is hereby authorized to levy and collect each year, in addition to all other taxes in said city, an *ad valorem* tax upon all the taxable property in said city sufficient to pay the interest on said school bonds as the same becomes due, and also at or before the time when the principal of the said bonds becomes due a further uniform *ad valorem* tax upon all taxable property in said city sufficient to pay the same or to provide for the payment thereof; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected upon property in said city: *Provided*, that the taxes collected under this act for the payment of said bonds and coupons shall be used for no other purpose; and it shall be the duty of the clerk and treasurer of the city of Charlotte, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the board of aldermen the numbers and amounts of the coupons so canceled.

Levy and collection.

Proviso: specific appropriation.

Cancellation of coupons and reports.

Act submitted to voters.

Sec. 6. That the provisions of the act shall be submitted to a vote of the qualified voters of the city of Charlotte on the first Tuesday after the first Monday in May, A. D. 1913, under the rules and regulations prescribed for the election of the mayor and members of the board of aldermen of said city; the said board of

Date for election.
Law governing election.

aldermen shall cause a notice of said election and the purpose of same to be published in some newspaper of said city for thirty days before said election, and the Clerk of the Superior Court of Mecklenburg County shall cause to be prepared and distributed at the various polling places in the said city a sufficient number of printed ballots favoring the provisions of this act and a like number against the same; the board of aldermen shall cause to be prepared and delivered at each polling place in the said city a ballot box indicating the purpose of the bond issue to be voted therein, as follows: "School Bonds." All qualified voters wishing to vote in favor of the issuing of said bonds and levying the taxes herein provided for shall vote a written or printed ticket with the words "School Bonds," and those wishing to vote against issuing said bonds and the levying of the taxes herein provided for shall vote a ticket with the words written or printed thereon "Against School Bonds." If a majority of said qualified voters shall vote "School Bonds" on the proposition submitted for the issuing bonds for the purpose aforesaid, then it shall be deemed and held that the proposition receiving a majority of such votes is favored and approved by the majority of the qualified voters of the city of Charlotte, and the board of aldermen shall cause bonds to be prepared and issued for the purpose so approved of by a majority of the qualified voters of the city of Charlotte and levy a tax in accordance with the provisions of this act.

Notice of election.

Preparation of ballots.

Ballot box.

Ballots.

Bonds to issue by majority of qualified voters.

Sec. 7. That the registration for the election shall be the same as that which is or may be provided for the election of the mayor and other officers of the city of Charlotte; the board of aldermen shall provide for such registration and polling places and such advertisement of the same as they deem advisable.

Registration and polling place.

Sec. 8. All laws and clauses of laws in conflict with this act shall be and are hereby repealed.

Sec. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 219.

AN ACT TO AUTHORIZE THE TOWN OF BENSON TO ESTABLISH AN ELECTRIC LIGHT PLANT AND REPAIR THE STREETS AND SIDEWALKS AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Benson, in Johnston County, shall have power to erect, build, and construct an electric light plant and to repair the streets and side-

Construction of electric light plant and street work authorized.

walks in said town, and, if necessary, to open new ones, and to protect and regulate the same by adequate ordinance, and if, in the construction, extension, or maintenance of said electric light plant or repair work, it shall become necessary to acquire land, rights of way, and easements, both within and without the corporate limits of said town, the said board shall have power to condemn the same in the same manner as is now provided by law for the condemnation of land for streets.

Power to condemn land.

Procedure for condemnation.

Light rentals.

Sec. 2. That said board of commissioners for the town of Benson shall have power to charge and collect electric light rentals in such reasonable amounts and collectible at such periods as the said board may prescribe for the use of such electric lights and power, the rental to be based on the voltage and amount of power used and charged for connection.

Bond issue authorized.

Maturity.

Amount.

Interest.

Denomination.

Authentication.

Sec. 3. That for the purpose of raising money to construct, build, and equip an electric light plant, to open, build, and improve the streets and sidewalks, either or both, the board of commissioners of the town of Benson are hereby authorized and empowered to issue thirty-year coupon bonds to an amount not exceeding twenty-five thousand dollars, bearing interest payable semiannually, on the first day of January and July of each year, at a rate not exceeding six per centum per annum, in denominations of not less than one hundred dollars nor more than one thousand dollars; and such bonds shall be signed by the mayor of the town and countersigned by the treasurer, and the corporate seal of said town of Benson thereunto attached, and the coupons on and attached to said bonds shall bear the printed facsimile of the signature of the mayor or the treasurer of said town, or both.

Sale below par forbidden.

Specific appropriation.

Purchasers not liable for application.

Sec. 4. That said bonds shall not be sold for less than par, and the proceeds derived from the sale of the same shall not be used for any other purpose than mentioned in this act. By this provision, however, no duty is imposed on the purchaser of said bonds to see how the proceeds of the bonds by them purchased are used, but this provision applies only to the officers of the said town of Benson, and said bonds shall be exempt from all taxation, general or special, for county or municipal purposes.

Exemption from taxation.

Special tax.

Sec. 5. That for the purpose of paying the interest on said bonds and to create a sinking fund to provide for the retirement of said bonds at maturity, the board of commissioners of the town of Benson shall annually, at the time of levying other taxes, levy, lay, and assess a special tax on all taxable polls within said town of Benson, not exceeding one dollar and twenty cents, and levy, lay, and assess a special tax on all personal and real property subject to taxation within the said town, not exceeding forty cents on the one hundred dollars; that the taxes herein provided for shall be collected by the tax collector of said town and turned over to the treasurer of said town, who shall keep the same

Limit rate.

Collection and settlement of tax.

separate and apart from all other taxes and funds he may have in hand or might receive, which shall be designated as "Bond Funds"; that out of said bond funds the treasurer aforesaid shall annually, prior to January first, set apart a safe amount to pay the interest on the said bonds sold and outstanding, and annually, on or before the first Monday in July following, the remainder of said bond fund or taxes paid shall be set aside for a sinking fund. Bond funds. Interest fund. Sinking fund.

Sec. 6. That before the bonds provided for herein shall be issued, this act shall be submitted to the qualified voters of the town of Benson for their approval or rejection by the board of commissioners of said town at any election to be held at such time as said commissioners may designate. Notice of said election shall be published thirty days prior to the date of holding the same. Each voter who shall be in favor of issuing the bonds herein provided for shall cast a ballot, written or printed, containing the words "For Bonds." Each voter who shall be opposed to issuing said bonds herein provided for shall cast a ballot, written or printed, containing the words "Against Bonds." The number of ballots cast "For Bonds" and "Against Bonds" shall be counted and the result certified to the board of commissioners of said town, and a copy of the same shall be spread upon the minutes of the said board and the original shall be recorded and filed by the Register of Deeds of Johnston County as by law required in case of special elections. Act submitted to voters. Notice of election. Ballots. Count of vote and certificate of result. Record of result.

Sec. 7. That said elections shall be held in accordance with the provisions of law relating to elections in cities and towns in this State. Law governing election.

Sec. 8. If at the election hereinbefore provided for, a majority of the ballots cast shall be "For Bonds," then the board of commissioners of said town of Benson shall proceed to issue and sell the bonds in this act provided for, or so many thereof as may be necessary, in the discretion of said board, for the purposes aforesaid. Bonds issued on majority of vote cast. Sale of bonds.

Sec. 9. That in the event said bonds are issued as provided for in the preceding section, the proceeds derived from the sale thereof shall be applied for the purposes herein set out, and no other. Specific appropriation of proceeds.

Sec. 10. That if a majority of the ballots cast at said election held under the provisions of this act are against bonds, then and in that event no bonds shall be issued thereunder. Majority against bonds.

Sec. 11. In the event a majority of the ballots cast in any election held under the provisions of this act be "Against Bonds," then and in that event the commissioners of said town are hereby empowered, in their discretion, to order another election on the same proposition and for the same purpose at any time after an elapse of six months next following the date of such election. Any subsequent election to be conducted under the same rules and regulations governing the first election herein provided for, and if at any subsequent election a majority of the ballots cast shall be Further election.

"For Bonds," then and in that event the bonds herein provided for shall be issued and sold and be valid for all intents and purposes as if ordered by the first election provided for herein.

Qualified voters.

Sec. 12. The number of persons registered for any election herein provided for shall be conclusively held to be the number of qualified voters in said town.

Tax.

Sec. 13. That the tax herein provided for shall in no wise affect the taxes levied under the charter of said town as amended at this session of the General Assembly.

Sec. 14. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect the same, and no further.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 220.

AN ACT TO AMEND AN ACT INCORPORATING THE TOWN OF COUNCIL IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Power to condemn land.

Section 1. That the board of town commissioners of the town of Council, in the county of Bladen, State of North Carolina, shall have the right and power in their discretion to condemn land in said town of Council for the purpose of changing streets, opening new streets, or straightening streets already established, and maintaining an electric light plant and cemetery. And whenever in the

Procedure for condemnation.

opinion of the board of commissioners of said town it is advisable to obtain land or the right of way in the town for the purpose of opening new streets, or widening or straightening streets already established, or for making culverts or waterways for carrying water out of the streets, or for laying sewer pipes, or for any other necessary public purpose, and the commissioners and the owners of property affected by such proposed improvements cannot agree as to the amount of damages consequent thereupon, as well as to the special advantage that may result to the owners thereof or to the owners of property in the close vicinity of such proposed opening, widening, or straightening of said street, or the building or otherwise establishing of such culvert or waterway, sewers or

Jury of view.

other public improvements, the mayor, upon order of the commissioners, shall issue his writ commanding the chief of police or other officer of the town to summons a jury of five freeholders of said town, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvements; and in said writ the proposed improvements shall be fully described and

the persons mentioned who are supposed to be affected thereby. In obedience to said writ the officer shall summons the jury of five freeholders as aforesaid and appoint a day for them to assemble at the mayor's office; the day so appointed shall not be less than ten nor more than twenty days from the date of the writ. The officer in charge shall also serve notice of the time of the meeting of the jury upon all persons who are named in the writ as supposed to be affected by said proposed improvements, which notice shall be at least ten days before the day appointed for the meeting of the jury, and in case any such persons, their tenants or agents, cannot be found within the town, then a poster at the courthouse door, stating in as few words as possible the proposed improvement and the date appointed for the meeting of the jury, shall be sufficient notice. On the day appointed for meeting of the jury, the officer, if he has not already summoned them, shall proceed to do so, or to fill any vacancy which may have occurred from any cause in the number which he may have previously summoned, and shall cause them to assemble at the mayor's office, when each of them shall take an oath, to be administered by the mayor or other competent person, that he will faithfully, truly, and impartially assess the damages, if any, which may in his judgment be done to the property of each person named in the writ or to any other person whose property in his judgment may be damaged by the proposed improvement, and that he will also assess any special benefit or advantage or enhanced value which may be caused to the property of any person named in the writ or to any other property in the immediate vicinity of the proposed improvement. Immediately after the jury shall have taken the oath as above prescribed, they shall proceed, accompanied by the officer, to view the land of each person mentioned in the writ, and the land of any other person in the immediate vicinity of the proposed improvement which they may consider to be directly affected thereby, and they shall assess the damages, if any, specifying the amount to which each and every one of the premises which they shall have viewed shall be entitled, and the jury shall at the same time take into consideration any special benefit, advantage, or enhanced value which in their judgment may have been received by reason of said proposed improvement, and shall state the amount of such special benefit, advantage, or enhanced value of each and every one of the owners of said premises. The jury shall forthwith return to the mayor in writing a statement to be signed by each of them, or a majority of them in case they cannot agree, setting forth the amount of damage or advantage which they shall have assessed to each person: *Provided*, that in case the jury shall be unable to agree on the whole or on part of said report, they shall state that fact, setting out such parts as a majority of them have agreed on, and also the names of the per-

Day for jury to meet.

Notice to parties in interest.

Jury to meet and qualify.

View of land.

Assessment of damages.

Return of jury.

Proviso: procedure on disagreement of jury.

sons as to the damage or disadvantage of whom they are unable to agree; and thereupon the mayor shall order the officer to summons at once a new jury of five freeholders to take into consideration that part of the report of the first jury on which they were not able to agree, and shall continue this course until an agreement is arrived at, and if necessary the mayor is authorized to extend the meeting of the jury from day to day to accomplish the object of this section. As soon as practicable after receiving the report of the jury, the mayor shall call a meeting of the board of commissioners and submit the report to them, and if the commissioners shall conclude that the damages assessed by the jury are excessive, they may decline to pay the same and discontinue the proposed improvement. If the jury shall find that the proposed improvement will enhance the value of real estate adjacent thereto, the amount of such valuation of benefits shall vest in the town and become a lien on the premises mentioned in the report of the jury, and shall be due to the town on the completion of the proposed work, and payable in three equal annual installments, and if not paid at maturity, the lot so assessed, or so much thereof as may be necessary to pay said installments and costs, shall be sold by the tax collector to pay the same under the same rules, regulations, and restrictions, rights of redemption and savings as are prescribed by law for the sale of real estate for unpaid taxes: *Provided, nevertheless*, that if any person who is reported in the jury's report to be affected by the proposed improvements be dissatisfied with the amount of damages or enhanced value with which he has been assessed, or if the commissioners be dissatisfied with any item in the report, then in that case either party may appeal on the item with which they are dissatisfied, to the term of the Superior Court of Bladen County, by giving the adverse party ten days notice in writing. The appellate court in either case shall have power to increase or diminish the amount of damages or enhanced valuation which has been assessed, but shall in no wise adjudicate the necessity of the improvement, and the question of damages or benefit shall be submitted to a jury, under the ordinary rules of action for damages: *Provided, however*, that such appeal shall in no wise hinder or delay the commissioners in making the proposed improvements, but it shall be lawful for them or their agents to enter upon and use the property so condemned as soon as the same has been condemned by order of the board, and the fees of each of said jurors shall not exceed one dollar per day.

Report submitted to commissioners.

Discontinuance of improvement.

Benefits assessed.

Assessment for benefits payable in installments.

Proviso: right of appeal.

Judgment on appeal.

Jury trial.

Proviso: appeal not to delay work.

Fee of jurors.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 221.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF GOLDSBORO TO ISSUE BONDS.

Whereas the city of Goldsboro is indebted in the sum of fifteen thousand dollars, contracted heretofore for necessary expenses; and whereas the said city of Goldsboro desires to issue bonds in a sufficient amount to pay said indebtedness; and whereas the waterworks plant and system, owned by the city of Goldsboro, is, in its present condition, insufficient to supply the city and its inhabitants with the proper and needful supply of water; and whereas it has become a necessity that said waterworks plant and system be improved, enlarged, and extended; and whereas the city of Goldsboro desires to issue bonds in a sum not exceeding thirty-six thousand dollars to make the said necessary improvements, enlargement, and extension to the said waterworks plant and system; and whereas the fire department and system of the city of Goldsboro, in its present condition, is inadequate and insufficient to safeguard the interests of the city of Goldsboro and its citizens from loss by fire; and whereas it is necessary that the said fire department and system have a safe and proper equipment of hose, wagons, trucks, and appliances; and whereas the said city of Goldsboro desires to issue bonds in an amount not exceeding nine thousand dollars, to properly provide and equip the said fire department and system; and whereas some of the principal streets of the city of Goldsboro, to wit, East Center Street, between Chestnut and Ash streets; Walnut Street, between James and William streets; John Street, between Walnut and Ash streets, as well as some of the other streets in said city, are in bad condition, being unsafe and unsightly and need working, macadamizing, and paving; and whereas the same is necessary for the general betterment of the city of Goldsboro and its citizens; and whereas the city of Goldsboro desires to issue bonds in a sum not exceeding twenty-three thousand dollars, in order to have said work, macadamizing, and paving effectuated on said streets: therefore,

Preamble: debt heretofore contracted.
Preamble: bonds to pay debt.
Preamble: waterworks insufficient.
Preamble: improvement necessary.
Preamble: bonds for extension.
Preamble: fire department inadequate.
Preamble: necessity for equipment.
Preamble: bonds for equipment.
Preamble: streets in bad condition.
Preamble: improvement necessary.
Preamble: bonds for street work.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of paying the said indebtedness of the city of Goldsboro heretofore contracted for necessary expenses, the board of aldermen of the city of Goldsboro are authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of fifteen thousand dollars, of such denomination and in such proportion as the board of aldermen of the city of Goldsboro may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached payable half-yearly, at such times and

Bond issue for paying debt authorized.
Amount.
Denomination.
Interest.

at such place or places as may be deemed advisable by said board of aldermen; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty-seven years from the date thereof, and at such place or places as said board of aldermen may determine; said bonds shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of the city, and the coupons shall bear the engraved or lithographed signature of the mayor and city clerk; that said bonds shall be sold at private or public sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied only to the present indebtedness of the city heretofore contracted for its necessary expenses, and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.

Maturity.

Authentication.

Sale of bonds.

Sale below par forbidden.

Specific appropriation.

Purchaser not responsible for application.

Exemption from city tax.

Sec. 2. That the bonds authorized to be issued by section one of this act and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said coupons shall become due or thereafter. If the holder of any such bonds or coupons shall fail to present the same for payment at the time or times or at the place or places therein named, he shall not be entitled to any interest thereon from the time they have been outstanding after maturity.

Coupons receivable for dues to city.

Interest to cease at maturity.

Particular tax.

Sec. 3. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity of the bonds herein authorized to be issued by section one of this act, said board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen now or may hereafter be authorized to levy and lay taxes for any purpose whatever; said particular tax not to be more than two cents on the one hundred dollars assessed valuation of property and not more than six cents on each poll. The taxes provided for in this section shall be collected in the manner and time other city taxes are collected, and shall be accounted for and kept separate from other city taxes and shall be applied exclusively to the purpose for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase and discharge of the said bonds, shall be turned over and delivered to the commissioner of the sinking fund of the city of Goldsboro, and be so invested by him as to secure the principal of said bonds at their maturity.

Limit of rate.

Collection.

Fund kept separate.

Specific appropriation.

Sinking fund.

Sec. 4. That for the purpose of improving, enlarging and extending the waterworks plant and system of the city of Goldsboro, the board of aldermen of the city of Goldsboro are authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of thirty-six thousand dollars, of such denominations and in such proportions as the board of aldermen of the city of Goldsboro may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable half-yearly at such times and at such place or places as may be deemed advisable by said board of aldermen; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding thirty-eight years from the date thereof, and at such place or places as said board of aldermen may determine; said bonds shall be signed by the mayor, and countersigned by the city clerk, and sealed with the corporate seal of the city, and the coupons shall bear the engraved or lithographed signatures of the mayor and the city clerk. The said bonds shall be sold at private or public sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied to the purposes set forth in this section, and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.

Bond issue for waterworks authorized.
Amount.
Denomination.
Interest.
Maturity.
Authentication.
Sale of bonds.
Sale below par forbidden.
Specific appropriation.
Purchaser not responsible for application.

Sec. 5. That the bonds authorized to be issued by section four of this act and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said coupons become due or thereafter. If the holder of any such bonds or coupons shall fail to present the same for payment at the time or times, or at the place or places therein named, he shall not be entitled to any interest thereon from the time they have been outstanding after maturity.

Exempt from city tax.
Coupons receivable for dues to city.
Interest to cease at maturity.

Sec. 6. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity, of the bonds herein authorized to be issued by section four of this act, said board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen now or may hereafter be authorized to levy and lay taxes for any purpose whatever, said particular tax not to be more than four and three-quarter cents on the one hundred dollars assessed valuation of property and not more than fourteen and one-quarter cents on each poll. The taxes provided for in this section shall be collected in the manner and time other city taxes are collected, and shall be accounted for and kept separate from other city

Particular tax.
Limit of rate.
Collection.
Specific appropriation.

Sinking fund.

taxes and shall be applied exclusively to the purpose for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase and discharge of the said bonds, shall be turned over and delivered to the commissioner of the sinking fund of the city of Goldsboro and be so invested by him as to secure the principal of said bonds at their maturity.

Bond issue for equipment of fire department.

Sec. 7. That for the purpose of properly equipping and adding to the fire department and system of the city of Goldsboro, the board of aldermen of the city of Goldsboro are authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of nine thousand dollars, of such denomination and in such proportions as the board of aldermen of the city of Goldsboro may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable half-yearly, at such time and at such place or places as may be deemed advisable by said board of aldermen; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding thirty-three years from the date thereof, and at such place or places as said board of aldermen may determine; said bonds shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of the city, and the coupons shall bear the engraved or lithographed signatures of the mayor and city clerk. That said bonds shall be sold at private or public sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied to the purposes set forth in this section; and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.

Amount.

Denomination.

Interest.

Maturity.

Authentication.

Sale of bonds.

Sale below par forbidden.

Specific appropriation.

Exemption from city tax.

Sec. 8. That the bonds authorized to be issued by section seven of this act and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said coupons become due or thereafter. If the holder of any such bonds or coupons shall fail to present the same for payment at the time or times or at the place or places therein named, he shall not be entitled to any interest thereon from the time they have been outstanding after maturity.

Coupons receivable for dues to city.

Interest to cease at maturity.

Particular tax.

Sec. 9. That for the purpose of providing for the payment of interest accruing on, and the principal at maturity, of the bonds herein authorized to be issued by section seven of this act, said board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen

now or may hereafter be authorized to levy and lay taxes for any purpose whatever; said particular tax not to be more than one and one-quarter cents on the one hundred dollars assessed valuation of property and not more than three and three-quarter cents on each poll. The taxes provided for in this section shall be collected in the manner and time other city taxes are collected, and shall be accounted for and kept separate from other city taxes and shall be applied exclusively to the purposes for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase and discharge of the said bonds, shall be turned over and delivered to the commissioner of the sinking fund of the city of Goldsboro and be so invested by him as to secure the principal of said bonds at their maturity.

Limit of rate.

Collection.

Specific appropriation.

Sinking fund.

Sec. 10. That for the purpose of working, macadamizing, and paving the streets of the city of Goldsboro, the board of aldermen of the city of Goldsboro are authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of twenty-three thousand dollars, of such denomination and in such proportions as the board of aldermen of the city of Goldsboro may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable half-yearly, at such times or at such place or places as may be deemed advisable by said board of aldermen; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said board of aldermen may determine; said bonds shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of the city, and the coupons shall bear the engraved or lithographed signature of the mayor and city clerk. That said bonds shall be sold at private or public sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied to the purposes set forth in this section; and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.

Bond issue for street improvement.

Amount.

Interest.

Maturity.

Authentication.

Sale of bonds.

Sale below par forbidden.

Purchaser not responsible for application.

Sec. 11. That the bonds authorized to be issued by section ten of this act and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said coupons become due or thereafter. If the holder of any such bonds or coupons shall fail to present the same for payment at the time or times or at the place or places therein named, he shall not be entitled to any interest thereon from the time they have been outstanding after maturity.

Exemption from city tax.

Coupons receivable for dues to city.

Interest to cease at maturity.

Particular tax.

Sec. 12. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity, of the bonds herein authorized to be issued by section ten of this act, said board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen now or may hereafter be authorized to levy and lay taxes for any purpose whatever, said particular tax not to be more than three cents on the one hundred dollars assessed valuation of property and not more than nine cents on each poll. The taxes provided for in this section shall be collected in the manner and at the time other city taxes are collected, and shall be accounted for and kept separate from other city taxes, and shall be applied exclusively to the purpose for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase and discharge of said bonds, shall be turned over and delivered to the commissioner of the sinking fund of the city of Goldsboro and be so invested by him as to secure the principal of said bonds at their maturity.

Limit of rate.

Collection.

Specific appropriation.

Sinking fund.

Law specifically repealed.

Sec. 13. That chapter four hundred and twenty-seven of the Private Laws of one thousand nine hundred and eleven, entitled "An act to authorize the aldermen of the city of Goldsboro to issue bonds," be and the same is hereby repealed.

Sec. 14. That all laws, clauses or parts of laws, in conflict with this act, are hereby repealed.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 222.

AN ACT TO AMEND THE CHARTER OF THE STATESVILLE AIR LINE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and sixty-four of the Laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, and the laws amendatory thereto, be and the same is hereby amended by adding the following as an amendment to the charter of said railroad company:

Corporate powers.

Sec. 2. That said company may, in its name, sue and be sued, plead and be impleaded in any court of law, contract and be contracted with; shall have power to adopt a common seal and to change the same at will, and may change its name whenever a majority of its stockholders may desire, and shall be capable of

taking by purchase, gift, or any other way, real or personal property, and holding, leasing, conveying, or in any other manner dealing with the same for any of the purposes hereinafter enumerated; and the said company shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States and the State of North Carolina.

Power to locate, construct, and operate railroad.

Sec. 3. That said company shall have power to locate, construct, equip, maintain, and operate a railroad with one or more tracks from Statesville, North Carolina, through the counties of Iredell, Yadkin, Surry, Forsyth, Catawba, Lincoln, Cleveland, Gaston, and Mecklenburg or through any parts of any of said counties or any other county in the State, to the South Carolina line on the south and the Virginia line on the north, and it may build branch roads from any part of its main line. It may use steam, electricity, or such motor power as it may desire, and is authorized and empowered to build, maintain, and operate telegraph and telephone lines on its right of way or any part thereof.

Termini and routes.

Branch roads.

Motive power.

Telegraph and telephone lines.

Par value of shares.

Sec. 4. That the par value of shares in said company shall be of one hundred dollars each and may be issued in preferred or common stock or both, in such proportion and with such privileges, qualities, and characteristics as a majority in value of the stockholders may determine, and the company is authorized and empowered to exchange shares of stock of the par value of one hundred dollars each for stock issued and outstanding of a lesser par value upon an equitable basis.

Stock, preferred or common.

Exchange of stock.

Books of subscription.

Sec. 5. That said company shall have power to open books of subscription by its officers or duly appointed agents, at such place or places as they may determine, adopt by-laws for the regulation and government of the company, not inconsistent with the charter or the laws of the United States and State of North Carolina, elect such officers with such duties and term of office as the by-laws of the company may prescribe, fix the number of directors to be elected by the stockholders, whose duties and term of office shall be prescribed by the by-laws, who shall serve until their successors are elected. At all elections and all meetings of the stockholders each share of stock shall be entitled to one vote, to be represented either in person or by proxy.

By-laws.

Officers.

Directors.

Stock vote.

Issue and transfer of stock.

Sec. 6. That the company shall issue certificates of stock to its members and such stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Power to purchase or lease other roads.

Sec. 7. That the company shall have power to take by purchase, lease, or otherwise the railroad franchise and property of any other railroad constructed or that may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchise and property with any other railroad under such name as may be agreed upon. It may assign or lease its property and franchise or any part thereof to any other railroad, and the rail-

Consolidation.

Power to assign or lease.

Rights of lessee or purchaser.

road so leasing or purchasing the railroad shall own and enjoy all the property and franchise so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing, and the railroad purchasing or leasing shall be entitled to all the property, franchises, privileges, and immunities belonging to the railroad created by this act. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State or elsewhere and hold shares in the same. It shall have power to use any section of its railroad before the whole of the same shall have been completed and charge for the transportation of passengers and freight thereon.

Subscriptions to other corporations.

To use section of road.

Rights in connection with public roads.

Sec. 8. That the company shall have the right when necessary to construct its road across any public road or alongside any other public road, provided said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the board of county commissioners. It shall have the right when necessary to cross at grade, over or under, intersect, join or unite its railway or railroad with any railroad now built or to be constructed within this State at any point or points on its main line or branches, with the necessary turnouts, sidings, switches and other conveniences in furtherance of the object of its construction.

Rights in connection with other railroads.

Power to condemn land.

Sec. 9. That the said company shall have the right to condemn land for the necessary purposes of building and operating its road, as is prescribed in chapter sixty-one of the Revisal of nineteen hundred and five and the amendments thereto, now or hereafter enacted.

Power to acquire, hold, and deal with real estate.

Sec. 10. That the said company shall be empowered to take by purchase or gift and hold in fee simple or in any other manner any number of acres of land besides the amount that may be necessary for its rights of way, depots, warehouses, shops and other necessary buildings. It may buy, sell, own, hold, and deal in real estate, water power or powers and construct and operate power plant.

Exclusive right of transportation.

Sec. 11. That the said company shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, subject to such general laws regulating the same as the General Assembly may from time to time make and establish or may heretofore have made and established, and it shall have the right to transport all manner of goods as expressed and make and collect all charges for the same, and to transport United States mail and to make and collect all charges for the same.

Express and mail.

Power to borrow money on notes or bonds and mortgage.

Sec. 12. That it shall be lawful for the Statesville Air Line Railroad Company to borrow money for the use and purpose of the company, issue notes or other evidence of indebtedness, registered or coupon bonds, in such denomination and running for such a

time and bearing interest at such a rate, and payable at such a time or times, and at such place or places as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure the payment of the same, the company is hereby authorized to execute deed or deeds of trust or mortgage to such person or persons or corporation, as the company may select, on all real and personal estate of said company, together with all its franchises and privileges, or in case the road may be divided and built in sections, which the said company is authorized to do, such deed of trust or mortgage may be placed upon such separate section, and in such manner as the company may direct, and it is hereby provided that the registration of any mortgage or deed of trust, provided to be executed in this section, may be made in Iredell County, and upon the registration books of Iredell County it shall be a lien on such property and franchises conveyed in said mortgage or deed of trust as fully and completely as if the same were registered in each and every county through which the road passes.

Registration of mortgage.

Sec. 13. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of said company, or for bonds issued by the same, in the following manner: Upon presentation of writing, signed by not less than fifty freeholders and resident taxpayers of the county, township, city or town, to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, the board of commissioners of said county or proper authorities of said city or town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town, to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote, who are in favor of such subscription, shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county and at every polling place of said county, township, city or town where the said election shall take place, and the re-

Subscriptions to stock or bonds by municipalities.

Petition for election.

Order for election

Ballots.

Law governing election.

Notice of election.

Returns.

turns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

Subscription to be made if authorized by voters.

Sec. 14. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscriptions and shall issue such coupon bonds to the amount of said subscription, in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Bond issue.

Denomination.

Maturity and interest.

Special tax.

Sec. 15. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities of a city or town, who are legally empowered to levy taxes in order to provide for the payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year at the time of levying other taxes a sufficient tax upon the property and polls in said county, township, city or town to pay for the interest on the bonds issued on account of such county, township, city or town; and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which it was levied and collected and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds. Said bonds shall be signed, if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of county commissioners, and if issued by a city or town, by the mayor and the clerk to the board of aldermen or commissioners of such city or town.

Collection and settlement.

Fund kept distinct.

Specific appropriation.
Investment of sinking fund.

Authentication of bonds.

Counties and townships incorporated.

Sec. 16. That for the purpose of this act all the counties, Iredell, Yadkin, Surry, Forsyth, Catawba, Lincoln, Cleveland, Gaston, and Mecklenburg, and all of the townships in all of the said counties which may vote to subscribe to the capital stock of said company, as provided by this act, shall be and are declared, respectively, bodies politic and corporate and vested with full powers to subscribe, as provided in this act, and assume the contract for indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities, and respect to any rights or cause of action growing out of the provisions of this act. The county commission-

Powers.

Corporate agents of townships.

ers of the respective counties in which said townships are located are declared the corporate agents of said townships so incorporated, for the purpose of issuing the bonds of said townships and to provide for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds and to provide for the sinking fund hereinbefore mentioned.

Payment for subscriptions.

Sec. 17. That subscription to the capital stock of said company may be made and paid in money, land, material, or services, or in bonds, stocks, or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company. The said president and directors shall have power and authority to require from the stockholders such payments on their respective shares from time to time as the wants of the company may demand, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required of him, if payable in money, and within a reasonable time after the same shall have been required of him, if payable in services or otherwise, it shall be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing to pay, first giving thirty days notice of the time and place of said sale in one or more newspapers published in this State; and after retaining the sum due upon such share or shares of stock, and all charges of the sale, out of the proceeds thereof, the said president and directors shall pay the surplus over to the delinquent owner or his legal representatives; and if the said stock shall not bring at such sale the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance, up to the unpaid amount of the original subscription for the said stock, of the original subscriber or his executor or administrator, or his assignee, or either of them, at the option of the said company, acting through its president and directors, by civil action in any court having jurisdiction thereof, and any purchaser of stock at such sale shall be subject to the same rules and regulations as the original proprietor.

Calls for payments on subscriptions.

Sale of stock of delinquent.

Action for balance.

Power to purchase other railroads.

Sec. 18. That the said company shall have the right and power to purchase the capital stock of any other railroad corporation or purchase the road and works and property of any other railroad corporation and pay for the same with its own capital stock, or otherwise, and the issue of capital stock for such purpose is hereby fully authorized.

Election heretofore held not invalidated.

Sec. 19. That nothing contained in this act shall be construed to invalidate or in any manner interfere with any election held under and by provisions of chapter twenty-nine, Private Laws of nineteen hundred and five, or any subscription voted or made under and by virtue of authority of said act.

Law continued in force.

Sec. 20. That nothing in this act shall be construed to supersede or annul chapter three hundred and fifty-nine, Private Laws of nineteen hundred and nine, and that said chapter shall remain in full force and effect.

Corporate existence.

Sec. 21. That the corporate existence of this company shall continue perpetually from and after the date of the ratification of this act.

Stockholders not individually liable.

Sec. 22. That the stockholders of said company, whether private citizens or other corporations, public or municipal, shall not be individually liable for the debts, defaults, or liabilities of the said company beyond the amount of their unpaid individual subscriptions to its capital stock.

Sec. 23. That all laws and clauses of laws in conflict with the provisions of this act be and the same are to the extent of such conflict repealed.

Sec. 24. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 223.

AN ACT TO INCORPORATE PLEASANT GROVE SPECIAL-TAX DISTRICT, IN WASHINGTON COUNTY.

Preamble: district formed.

Whereas School District Number Seven, for the white race, in Washington County, has been formed into a special-tax district in accordance with the provisions of section four thousand one hundred and fifteen of the Public School Laws of North Carolina;

Preamble: tax voted and levied.

and whereas a special school tax has been voted and levied in said district in accordance with the aforementioned section of the school laws: therefore,

The General Assembly of North Carolina do enact:

Metes and bounds established.

Section 1. That the following described territory, lying in Lee's Mill Township, Washington County, North Carolina, be and the same is hereby established as the metes and bounds of said school district, to wit: Beginning on the west boundary of said school district at the corner of J. W. Chesson and the "Pollard lands" on the Albemarle Sound, and running southerly along the line of said Pollard and Chesson lands to the Pollard Swamp; thence along said swamp to Spring Branch; thence along Spring Branch to the public road leading to Columbia, North Carolina; thence southerly to the mouth of the creek leading to S. B. Lucas' mill pond; thence along said creek to said mill-pond swamp; thence along said mill-pond swamp to the "Back Woods Road"; thence to the old right of way of the John L. Roper Lumber Company;

thence easterly to a point opposite the head of the "Jimmy Long Branch"; thence northerly to the head of said branch; thence along said branch to Chappel Swamp; thence along said swamp to the Albemarle Sound; thence westerly along said sound to the point of beginning.

Territory constituted tax district.

Sec. 2. That the territory enclosed within the aforementioned bounds shall be constituted and known as the Pleasant Grave Special-tax District, and shall be subject in all respects to the provisions of section four thousand one hundred and fifteen of the public school laws.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 224.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ORIENTAL IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Limits extended.

Section 1. That the corporate limits of the town of Oriental be and the same are hereby extended so as to include the following territory, to wit: Beginning on Neuse River at a point where the present north and east line of said town of Oriental now is and as described and bounded in the original charter of said town by act of the General Assembly, chapter one hundred and eighty-four, Private Laws of North Carolina, session one thousand eight hundred and ninety-nine, and running from thence down said river to the easternmost side of Vandemere Street, as shown in a plan of Neuse River Heights, a map of which is duly recorded in the register's office of Pamlico County, in Book number forty-five at page three hundred and fifty-four; thence a northwardly course with the north and east line of said Vandemere Street to the north side of Third Avenue, as shown on the map of the plan of said Neuse River Heights, recorded as aforesaid; then a westward course with the north line of said Third Avenue to the original north and east line of the corporate limits of said town of Oriental, as described in the charter of said town in act of General Assembly, Private Laws of one thousand eight hundred and ninety-nine, chapter one hundred and eighty-four; thence with the said north and east line of said town of Oriental to Neuse River, the beginning.

Boundary.

Territory to be part of town.

Sec. 2. That said additional and extended territory shall be a part of the town of Oriental, and shall be subject to all the rules, regulations and ordinances now or which may hereafter exist in and for the town of Oriental and subject to all the provisions set forth in chapter one hundred and eighty-four, Private Laws of one thou-

sand eight hundred and ninety-nine, just as if the same was originally included in the boundary of the original charter of said town.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 225.

AN ACT TO RECHARTER THE TOWN OF KINGS MOUNTAIN IN CLEVELAND AND GASTON COUNTIES, AND REPEALING CONFLICTING LAWS.

The General Assembly of North Carolina do enact:

Municipal corporation.

Section 1. That the town of Kings Mountain in Cleveland and Gaston counties, in North Carolina, shall be and remain a municipal corporation, under the name of Kings Mountain, and shall be subject to the general laws of North Carolina applicable to towns and cities, except as herein provided.

Corporate name.

Subject to general laws.

Corporate limits.

Sec. 2. That the corporate limits of the town of Kings Mountain shall be a circle whose radius is three-fourths of a mile and whose center is the center of the intersection of King and Piedmont streets in said town.

Town officers.

Sec. 3. That the officers of the town, to be elected by the voters of the town, shall be five commissioners, who in their official capacity shall be styled the "Board of Town Commissioners," and a Mayor.

Town elections.

Sec. 4. That said officers shall be elected by the qualified voters of the town, and that the first election for such officers hereunder shall be held on Tuesday after the first Monday in May, nineteen hundred and thirteen, and biennially thereafter.

Term of office.

Sec. 5. That the term of office of all officers so elected shall begin on the first Monday in June next succeeding their election, and they shall hold office for two years and until their successors shall have been elected and qualified. In case any person so elected shall fail to qualify within thirty days after the beginning of his term of office a vacancy in such office may be declared by the board of town commissioners and filled by them.

Vacancy for failure to qualify.

Powers of commissioners.

Appointment of officers.

Tenure of office.

Sec. 6. That the Board of Town Commissioners shall have power:

(*a*) To appoint a tax collector, treasurer, police, and any other such officers and agents as they may deem necessary or expedient for the management of the affairs of the town, and such officers and agents so appointed shall hold office during the will and pleasure of said board of town commissioners, but not for a longer term than until the expiration of the term of office of the board of town commissioners making such appointment.

(*b*) To adopt all lawful by-laws, ordinances, rules and regulations for the government of the town, and to provide for the enforcement of the same, and to prescribe the penalties for the violations thereof. Legislative powers.

(*c*) To prescribe the compensation to be received by all the officers and agents of the town. Regulation of salaries.

(*d*) To levy license and taxes on the business and property of the town, and also upon polls, in accordance with the general law of the State. Taxing power.

(*e*) To borrow money, issue bonds, and create other indebtedness on the credit of the town for necessary expenses and improvements in accordance with general law; and in accordance with section seven, article seven of the Constitution of the State of North Carolina, after having submitted the same to an election and being authorized thereto by a majority of the qualified voters of the town, to issue bonds for such purposes as they shall deem expedient for the town's welfare, such election to be held and such bonds issued in accordance with section two thousand nine hundred and sixteen of the Revisal of one thousand nine hundred and five, as amended by chapter eighty-six of the Public Laws of one thousand nine hundred and eleven, and that said board of town commissioners shall have power to levy special taxes for the purpose of creating sinking funds and paying interest on bonded and floating debt of the town created in accordance with law. Power to borrow money or create debt. Special taxes.

(*f*) To condemn private property within or without the corporate limits of the town for the public use of the town; and whenever private property shall be required for the public use of the town, the said board of town commissioners shall appoint an appraiser, and the owner of such private property may appoint an appraiser, and the two appraisers so appointed shall appoint a third appraiser, each of which appraisers shall be a resident and freeholder of the county in which the land lies. Such appraisers shall meet within three days after their appointment, and after being duly sworn to act impartially and according to their best judgment, they shall proceed to appraise the damage which will ensue to such private property-owner in consequence of such condemnation, and shall report their findings, verified by their oaths, to the private owner and to the board of town commissioners without delay; and whenever within six months thereafter said board of town commissioners shall pay or tender payment of the amount named by the appraisers to such private property-owner, the property so appraised shall be deemed condemned for the public use; but the owner of property so condemned shall have the right to appeal from the findings of the board of appraisers to the Superior Court of Gaston or Cleveland counties, as the land shall lie in one or the other of such counties, for trial by jury of the amount appraised for damages, but such appeal shall not operate to delay or hinder the town from taking immediate possession of Power to condemn land. Appraisal by arbitration. Property condemned on payment of appraisal. Right of appeal. Appeal not to delay work.

Notice of appeal.

the land so condemned. In case such private property-owner shall desire to appeal, he shall cause written notice to be served upon the mayor of the town, or upon a member of the board of town commissioners, by some proper officer, and such notice shall be served within thirty days of the date of the findings of the board of appraisers, or the right of appeal will thereafter be barred.

Return of notice.

The officer serving such notice shall return the original notice, with the manner and date of service indorsed thereon, to the clerk of the Superior Court of the county in which the land lies, who shall forthwith docket the same for trial at the next ensuing term of the said court for the trial of civil causes, when and where the same shall stand for trial as other civil causes. In case any private owner shall refuse or fail to appoint an appraiser as herein allowed within thirty days after being notified so to do by the board of town commissioners, he shall be deemed to have waived his right to so appoint, and the board of town commissioners may appoint such appraiser in behalf of such owner, and the appraisement be proceeded with as if the owner had exercised his right of appointment.

Appraiser appointed by town on refusal of property-owner.

Vacancies.

(*g*) Vacancies in the board of town commissioners may be filled by the remaining members of said board, for the unexpired term; and vacancies may be declared whenever the resignation of any member is tendered and accepted by said board, or whenever a member shall have been absent from three consecutive monthly meetings of the board, of which he shall have had at least one day's notice in advance of each meeting; and removal from the corporation shall vacate the office of any commissioner so removing.

Assessment on property for street improvement.

(*h*) The board of town commissioners shall have power to assess private real property abutting streets where public and permanent improvements shall be made to sidewalks in such streets in such amount as will not exceed the special benefit which such improvement will yield to such abutting property, but such assessment shall not exceed thirty-three and one-third per centum of the cost of such improvement; and such amount so assessed shall be a lien upon such abutting property, subordinate only to all lawful taxes, and shall be collectible in the same manner as municipal taxes are collectible: *Provided, however*, that such assessment shall not become operative until such improvements be carried out in conformity to an adequate municipal survey establishing a permanent grade.

Limit.

Assessment a lien on property.

Proviso: assessment not operative until completion of work.

Collection of taxes by distress.

(*i*) To order the town tax collector to levy upon the property of any delinquent town taxpayer, and when so ordered said tax collector shall have the same powers of seizure and sale of such property as is or may be conferred upon sheriffs and tax collectors in the collection of State and county taxes: *Provided*, that the first Tuesday in any month shall be "Sale Day" for the purpose set forth in this subsection, and that at the door of the town hall,

Proviso: sale day.

between the hours of ten o'clock A. M. and three o'clock P. M., shall be the time and place for making all such sales; but no sale hereunder shall be made until at least twenty days notice shall be given by advertisement at the door of the town hall, and, if the sale be of real property, upon the property to be sold and at two other public places in the town; and whenever sale of real property shall be made hereunder, the power to convey and pass the title thereto shall be vested in said town tax collector and his successor in office as fully as the sheriff or tax collector of Gaston and Cleveland counties are or may be empowered to do when real property may be sold for State and county taxes; and all laws which are or may be enacted, not inconsistent with this subsection, shall be applicable to the conveyance and passing of the title to any such real property. Notice of sale.

(*j*) The board of town commissioners shall have power and it shall be their duty to appoint a secretary of said board, and to require a sufficient bond of him for the faithful discharge of his duties as herein set out; and it shall be the duty of said board to require the said secretary to reduce to writing the proceedings of all meetings of said board, and before adjournment of said meeting to have same read and attested as correct by the signature of the mayor and of the secretary; and said record shall be a permanently bound volume for the purpose, or upon loose leaves to be permanently inserted in said volume before attestation; and the failure of the board of town commissioners to observe this requirement shall be a misdemeanor on the part of each member so acting; and the secretary failing to perform any duty herein set out shall be liable upon his bond and shall be guilty of a misdemeanor. Election and bond of secretary. Record of board meetings. Penalty for failure to keep records.

(*k*) To make rules and regulations for the conduct and control of its electric light service, its sewer service, and its water service, and any other public utility that the town may install or has installed, and affix penalties for the violations of any such rules and regulations. Electric light, sewer, and water service.

(*l*) To exercise any and all functions conferred upon it by the general laws of the State applicable to towns and cities which are or may be enacted, not inconsistent with this charter. Functions under general law.

(*m*) At the first meeting of said board of town commissioners it shall be its duty and it shall have power to elect a mayor *pro tempore*, and such mayor *pro tempore* shall have all the powers and be charged with all the duties of the mayor during any temporary absence of the mayor. Mayor pro tempore.

Sec. 7. The fiscal year of the town shall begin May first of each year and end May first of the succeeding year. Fiscal year.

Sec. 8. (*a*) The mayor shall be chairman of the board of town commissioners, but shall have no vote except in case of a tie, when he shall have the deciding vote. He shall have the powers and be charged with the duties of mayors under the general law of the State applicable to towns and cities. Powers and duties of mayor.

Duties of secretary.

(*b*) It shall be the duty of the secretary to record all the proceedings of the board of town commissioners in a properly bound book provided for the purpose; to record all ordinances adopted by the board of town commissioners in a separate book provided for that purpose only, and such ordinances shall be numbered consecutively and the date of the adoption thereof duly recorded by him; to deliver to said board of town commissioners for delivery to his successor, or for other disposition by said board of town commissioners, all records belonging to his office; to prepare an annual statement of the affairs of the town for publication by said board, and to perform all other duties appertaining to his office and such as the board of town commissioners shall impose; and the failure of the secretary to record properly any act of the board of town commissioners or to produce the permanent record thereof when required by the board of town commissioners shall be a misdemeanor.

Failure to make or produce record a misdemeanor.

Duties of treasurer and tax collector.

(*c*) The duties of the treasurer and of the tax collector shall be such as are imposed by the general laws of the State except as herein otherwise provided.

Duties of other officers and agents.

(*d*) The duties of all other officers and agents of the town shall be such as are or may be imposed by the board of town commissioners.

Extent of right of condemnation.

Sec. 9. The power of condemnation of private property for public use set forth herein shall extend to all property heretofore dedicated or hereafter dedicated to any public use, and when it is sought to be condemned for uses other than those included in its dedication, notice of such purpose shall be posted at the door of the town hall, by the board of town commissioners for thirty days prior to the appointment of appraisers in such proceedings, and any party in interest desiring to be represented in such proceedings shall make appointment of his appraiser and notify the mayor of such appointment within three days after the expiration of the notice, and if such appointment be not made, such party shall be deemed to have waived his right of appointment, and the board of town commissioners may appoint one appraiser to represent all such parties in interest as shall not have made such appointment, and proceed as provided otherwise herein to such condemnation and appraisement.

Election of trustees for graded school district.

Sec. 10. At the regular municipal election in the town in May, one thousand nine hundred and thirteen, there shall be elected three members of the board of trustees for the Kings Mountain Graded School District, one of whom shall serve for a term of two years, one for a term of four years, and one for a term of six years, and the term of office of said board of trustees shall begin on the first Monday in June next succeeding their election; and the three so elected shall be and constitute the board of trustees for the Kings Mountain Graded School District; and at such election each member voted for shall be elected for a term that shall

Terms of office.

Beginning of term.

be designated on the ballots cast for him, whether for the two, four, or six-year term; and at each biennial municipal election thereafter one member of such board of trustees shall be elected for a six-year term; and vacancies in such board of trustees shall be filled by appointment by the board of town commissioners of Kings Mountain, to serve to the next regular municipal election when a member shall be elected for the unexpired term; and the board of trustees so elected shall have the powers and be charged with the duties now provided for by the law relating to the Kings Mountain Graded School District.

Election of successors.

Vacancies.

Sec. 11. That under and by virtue of this charter the town of Kings Mountain shall have all the franchises, property and rights in and of property which it now has under its present charter, and shall be liable and answerable on all contracts, obligations, and liabilities, including notes and other indebtedness, now existing, hereby validating, ratifying, and confirming all contracts and obligations of the town of Kings Mountain made prior to the ratification of this act, and imposing upon said town acting under this charter the performance of the requirements of all such contracts and liabilities.

Rights and liabilities existing and outstanding.

Sec. 12. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 226.

AN ACT TO AMEND CHAPTER 368, PRIVATE LAWS OF NORTH CAROLINA OF 1909, RELATIVE TO THE CHARTER OF THE TOWN OF SNOW HILL, GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-six, chapter three hundred and sixty-eight of the Private Laws of North Carolina of one thousand nine hundred and nine be amended by striking out the words "fifty cents," in line three of said section, and inserting in lieu thereof the words "one dollar"; and by striking out the words "one dollar and fifty cents" in line three of said section, and inserting in lieu thereof the words "three dollars."

Tax rate.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 227.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and fourteen of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: Strike out the words "and chief of police," in line two of section five. Strike out the words "their offices" and "their successors are," in line three of said section, and insert in lieu thereof the words "his office" and "his successor is," respectively. Strike out the words "and chief of police," in line four of said section. Strike out the word "persons," in line five of said section, and insert in lieu thereof the word "person." In section eight, after the word "elect" and before the word "a," in line eight thereof, insert the words "a chief of police."

Election of chief of police.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 228.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF ROCKINGHAM TO ISSUE BONDS FOR THE PURPOSE OF FUNDING THE INDEBTEDNESS CONTRACTED BY ENLARGING AND EQUIPPING THE GRADED SCHOOL BUILDING.

Whereas the proceeds derived from a sale of bonds voted for and issued under the provisions of an act of the General Assembly of North Carolina, being chapter one hundred and forty-one of the Private Laws of its session one thousand nine hundred and one, for the erection and equipment of a building to be used as and for the Rockingham Graded School, was insufficient for that purpose, and the said graded school has since been burdened with an indebtedness incurred in carrying out the provisions of said act; and whereas the number of pupils attending said graded school have so increased as to have rendered the enlargement of said building and the erection and improvement of other buildings requisite and necessary to meet the demands and requirements of the said school: Now, therefore,

Preamble: former bond issue insufficient.

Preamble: enlargement necessary.

The General Assembly of North Carolina do enact:

Section 1. The board of aldermen or commissioners of the town of Rockingham are hereby authorized, empowered, and directed to submit to the qualified voters of the said town at an election to be held in May next at the time for the election of municipal officers, as provided by law, the question of issuing bonds for a sum not exceeding twenty thousand dollars, or any part thereof. Of the said twenty thousand dollars, the same shall be used for the debt contracted for an additional building, the funding of the floating indebtedness, or any other necessary expense for the proper maintenance of the graded schools of said town. The election provided for in this section shall be advertised by the board of aldermen or commissioners of said town for thirty days prior to the day of election in some newspaper published in said town, and shall be held under the same rules that are prescribed by law for the election of mayor and aldermen or commissioners of the said town. Those who are in favor of issuing bonds and levying the taxes hereinafter provided for, for the purpose of paying the interest on said bonds and to provide a sinking fund for their redemption, shall vote a written or printed ballot, without device, with the words "For Bonds and Taxes" thereon, and those who are opposed to the issue of said bonds and the levy of the taxes hereinafter provided for, for their redemption and to pay the interest thereon, shall vote a written or printed ballot, without device, with the words "Against Bonds and Taxes" thereon. The result of said election shall be ascertained by the officers holding the same and certified and returned by them to the board of aldermen or commissioners of the said town, within three days after the day of election, who shall verify and also certify said result and cause the same to be recorded in their minutes. A rejection by the voters of any proposition submitted to them under this act shall not prevent the same, or other propositions, being submitted to the said voters at any time that the said board of aldermen or commissioners of the town of Rockingham may appoint; and the said board may continue to call elections under this act until the said election shall carry: *Provided*, the said board of aldermen or commissioners may in its discretion order a new registration.

Election on bond issue directed.

Time for election.

Amount of bonds.

Use of proceeds.

Advertisement of election.

Law governing election.

Ballots.

Certificate, return, and record of result.

Further elections.

Proviso: new registration.

Sec. 2. That if a majority of the qualified voters of the said town shall vote for bonds and taxes, then the board of aldermen or commissioners of said town shall issue coupon bonds to the amount voted for in said election and in denominations of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), bearing interest from the date of said bonds at not exceeding six per centum per annum and payable annually or semiannually, as a majority of said aldermen or commissioners deem best for the interest of said town, and payable at such bank as a majority of aldermen or commissioners of said town may

Bond issue on majority of qualified voters.

Denomination.

Interest.

Maturity. deem best to the interest of the town; that the said bonds shall be payable at the expiration of thirty years from the date thereof.

Authentication. The bonds and coupons shall be numbered and the bonds shall be signed by the mayor of said town and countersigned by the clerk

Record of bonds. and treasurer of the said town, and a record shall be kept of all

Coupons receivable for dues to town. bonds, observing the number, amount, and to whom sold; the coupons shall be received in payment of taxes, polls, and debts due

Sale below par forbidden. the said town; that the bonds shall not be sold for less than their

Specific appropriation. par value; that the proceeds of the sales of the said bonds shall not be used for any other purpose except that hereinbefore mentioned.

Special tax. Sec. 3. That in order to pay the interest on said bonds the board of aldermen or commissioners of said town are authorized and it shall be their duty to annually compute and levy at the time of

Limit of rate. levying other taxes for the said town a special tax not exceeding twenty (20) cents on the one hundred dollars valuation of all the taxable property of the said town, and upon the poll not exceeding sixty (60) cents, with which they shall regularly and promptly pay the interest on said bonds and provide a sufficient sinking

Collection and settlement of tax. fund for their redemption when due. The said special tax shall be collected at the time and as other taxes of said town are collected, and shall be paid over by the constable or tax collector of

Bond of officers. the said town to the treasurer of said town, which officer shall give good and sufficient bond, to be approved by the board of aldermen or commissioners of said town, the former for the collection of said taxes and paying them over as aforesaid, and the latter for their safe keeping and proper disbursement.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 229.

AN ACT TO AMEND CHAPTER 308 OF THE PRIVATE LAWS OF 1909, ENLARGING THE CORPORATE LIMITS OF THE TOWN OF TUNIS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Tunis in Hertford County be amended so as to include additional territory within the corporate limits of said town, and the said corporate limits

Corporate limits. shall be as follows, to wit: Beginning at a gum tree in Spring Branch; thence down said branch to Catherine Creek; thence down said creek to Chowan River; thence up said river, crossing the Atlantic Coast Line Railroad track and including said track, wharves, and warehouses, to a point on said river one hundred

yards west of the center of the said railroad track; thence south, parallel with said railroad track, to a stake two hundred feet south of the county road leading from Winton to Harrellsville; thence east, parallel with said road, one thousand and twenty feet to a stake; thence north to the beginning.

Sec. 2. That all acts or parts of acts in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 230.

AN ACT TO AMEND CHAPTER 432, PRIVATE LAWS OF 1901, AND CHAPTER 16, PRIVATE LAWS OF 1903, AND TO AUTHORIZE THE CITY OF CHARLOTTE TO USE A FIXED PROPORTION OF ITS TAX FOR THE SUPPORT OF THE CHARLOTTE PUBLIC LIBRARIES.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of providing an adequate appropriation for the support of the Charlotte public libraries in the city of Charlotte, the board of aldermen of said city shall annually appropriate a sum equal to two and one-half cents (2½c) on the one hundred dollars assessed valuation on property within the said city; and the board of aldermen of the city of Charlotte shall annually turn over to the trustees of the Charlotte public libraries the above sum, to be used in support of the libraries. Appropriation directed. Payment to library trustees.

Sec. 2. That before the appropriation herein provided is made, the question of making same shall first be submitted to the qualified voters of said city, after thirty days notice in some newspaper published in said city, at an election to be held under the same rules and regulations prescribed by law for the election of the mayor and board of aldermen of said city, said election to be held between the first day of March, one thousand nine hundred and thirteen, and the tenth day of November, one thousand nine hundred and thirteen, as may be designated by ordinance of the board of aldermen. At said election so held under the provisions of this act those favoring the making of the appropriation herein provided for shall vote a written or printed ballot with the words "For Library" upon it, and those opposed to the making of the appropriation herein provided for shall vote a written or printed ballot with the words "Against Library" upon it. Question submitted to voters. Notice of election. Law governing election. Time for election. Ballots.

Sec. 3. That the said question shall be submitted at an election for the municipal officers of said city, and at the election so held Question submitted at municipal election.

Ballots.

under the provisions of this act those favoring the appropriation shall vote a written or printed ballot with the words "For Library" upon it, and those opposed to the appropriation shall vote a written or printed ballot with the words "Against Library" upon it.

Ordinance for appropriation.

Sec. 4. That if a majority of the qualified voters shall vote at said election in favor of making the appropriation herein provided for, it shall be the duty of the board of aldermen of said city to so declare by an order duly adopted at their next regular meeting, and thereafter to appropriate annually and order the city treasurer to pay over the net proceeds of the amount as provided for in section one of this act for the purpose aforesaid, in lieu of the fixed annual appropriation of twenty-five hundred dollars now authorized by law for said purpose, which fixed appropriation in that event shall become of no effect.

Present appropriation continued.

Sec. 5. That if a majority of the qualified voters shall not vote at said election in favor of making the said appropriation, it shall be the duty of the board of aldermen of said city to so declare, as aforesaid, and in that event the fixed appropriation of twenty-five hundred dollars now authorized by law shall remain in full force.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 231.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF TARBORO TO ISSUE BONDS TO IMPROVE AND EXTEND ITS WATERWORKS AND SEWERAGE SYSTEMS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of commissioners of the town of Tarboro be and they are hereby authorized to issue bonds to an

Amount.

amount not to exceed twenty-five thousand dollars for the purpose

Purpose.

of making the necessary improvements, betterments, and extension of the water system and the sewerage system of the said town; that the said bonds shall be negotiable coupon bonds, pay-

Denominations.

able to bearer, in such denominations as it may determine, and to become due and payable at such time and place as may be

Proviso: maturity.

determined upon by said board of commissioners: *Provided, however*, that the time of payment of such bonds shall not be less than twenty years nor more than forty years after the date of their issue.

Sec. 2. That said bonds shall bear interest at the rate of five per centum per annum, and the interest shall be made payable semi-annually. Interest.

Sec. 3. That the bonds to be issued under this act shall not be sold, hypothecated, or in any way disposed of for less than par value; and the proceeds of said bonds, including the premiums upon the sale thereof, shall be kept separate and apart from other funds of said town, and shall be applied only to the purposes aforesaid: *Provided, however*, that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money to said purposes. Sale below par forbidden. Funds kept separate. Specific appropriation. Proviso: purchaser not responsible for application.

Sec. 4. That the said bonds shall be in such form as the board of commissioners may determine; but the said bonds shall be signed by the mayor of said town and attested by the clerk of said town and sealed with the seal of said town. Authentication.

Sec. 5. The said bonds may be issued in an amount not exceeding twelve thousand and five hundred dollars for the purpose (*a*) of extending the water system of the town of Tarboro and of making such additional improvements thereto as may be necessary to at all times furnish the said town with an abundant supply of good and wholesome water, and said bonds shall be known as "water bonds." The said bonds may be issued in an amount not exceeding twelve thousand and five hundred dollars; (*b*) for the purpose of extending and improving the sewers and sewerage system of said town, and said bonds shall be known as "sewer bonds." Water bonds. Sewer bonds.

Sec. 6. That the board of commissioners shall pay the principal and interest of said bonds out of the taxes authorized to be levied under the charter of said town or any act already enacted or to be enacted hereafter; and the said board of commissioners are empowered and shall, if it be necessary in order to pay off the interest and principal of said bonds, levy a special tax of not more than fifteen cents on every one hundred dollars of valuation on all real and personal property and a capitation tax of not more than forty-five cents on each poll taxable under any act or acts authorizing the said board of commissioners to levy a tax. Payment of bonds and interest. Special tax. Limit of rate.

Sec. 7. That the board of commissioners of the town of Tarboro shall not issue the aforesaid bonds nor any part of them, nor levy nor collect the aforesaid tax, until they shall have submitted the proposition or propositions to the qualified voters of the said town of Tarboro. The said board of commissioners of the town of Tarboro are hereby empowered to call a special election at such time and place as they may fix and to submit to the qualified voters the propositions for the issue of such bonds. The said election shall be held not later than the first day of September, one thousand nine hundred and fourteen, and shall be advertised by said board of commissioners for four weeks immediately pre- Proposition submitted to voters. Special election. Time within which election shall be called. Advertisement for election.

ceding the day of election, at least once a week in some newspaper published in said town. The said advertisement shall state the purposes for which the bonds are to be issued, the terms and conditions thereof, the amounts proposed to be issued, the denominations thereof, and the rate of interest and the time of payment of the coupons. The said election shall be held under the rules and regulations which are or may be provided for the election of the governing officers of said town, except as otherwise provided herein. The said board of commissioners shall cause to be prepared and delivered at the polling place or places two ballot boxes, each plainly marked, indicating the purpose of the bond issue to be voted therein, as follows: (1) "Water Bonds" and (2) "Sewer Bonds." All qualified voters wishing to vote in favor of issuing any of the bonds and levying the taxes herein provided for shall vote a written or printed ticket with the word "Issue," and those wishing to vote against issuing bonds and the levy of the taxes herein provided for shall vote a ticket with the words written or printed thereon, "Against Issue." The result of said election shall be ascertained by the officers thereof, and certified and returned by them to the board of commissioners of the town of Tarboro within two days from the day of election, and the said board of commissioners shall officially determine the result of said election, and cause the same to be recorded in their minutes. If, at such election, a majority of the qualified voters voting at such election shall vote "Issue" on either of the said propositions submitted for issuing bonds for the purposes aforesaid, then it shall be deemed and held that the proposition receiving a majority of such votes is favored and approved by a majority of the qualified voters of the town of Tarboro, and the board of commissioners shall cause bonds to be prepared and issued for the purpose or purposes so approved, and levy a tax in accordance with the provisions of this act, and the proceeds from the sale of said bonds shall be applied as hereinbefore provided.

Law governing election.

Ballot boxes.

Tickets.

Certificates and return of election.

Canvass and record of returns.

Effect of election.

New registration.

Notice of registration.

Sec. 8. That there shall be a new registration of said voters of said town of Tarboro for said election, and it shall be the duty of the said board of commissioners of said town to appoint registrars and give due notice of said new registration, and the names of the registrars.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 232.

AN ACT TO AMEND CHAPTER 165 OF PRIVATE LAWS OF 1905, AND CHAPTER 485 OF PRIVATE LAWS OF 1907, AND CHAPTER 100 OF PRIVATE LAWS OF 1909, RELATING TO THE BOARD OF ALDERMEN AND BOARD OF INTERNAL IMPROVEMENTS OF THE TOWN OF MARSHALL.

The General Assembly of North Carolina do enact:

Number of aldermen.

Section 1. That section three of chapter one hundred and sixty-five of Private Laws of one thousand nine hundred and five be amended by striking out the word "five," in line three of section three, and inserting in lieu thereof the word "three."

Proviso: mayor to collect and retain fees.

Proviso: fees allowed mayor.

Sec. 2. That section eighteen of chapter one hundred and sixty-five of Private Laws of one thousand nine hundred and five be amended by adding at the end of said section the words, "*Provided*, that this limitation on fees or salary shall not prevent the said mayor from collecting and retaining as his salary all of the fees of his office: and *Provided further*, that said mayor shall be authorized and empowered to tax up in every bill of cost of all criminal cases tried before him for breach of any ordinance of said town one dollar for issuing the warrant, including the affidavit, and one dollar for trial and judgment, and fees for witnesses as justices of the peace, and in cases where the mayor does not have final jurisdiction, his fees shall be the same as allowed under the general law to justices of the peace.

Quorum.

Sec. 3. That section nineteen, chapter one hundred and sixty-five of the Private Laws of one thousand nine hundred and five, be amended by striking out the word "three," in line two of said section, and inserting the word "two" in lieu thereof.

Tax collector to report and settle monthly.

Sec. 4. That section thirty of chapter one hundred and sixty-five of the Private Laws of one thousand nine hundred and five be amended by adding to the end of said section the following: "and the said tax collector shall make a report in writing under oath to the board of aldermen at each regular monthly meeting, setting forth the amount collected and the names of the persons from whom collected, and pay over the amount so collected to the proper officer."

Sec. 5. That section three of chapter four hundred and eighty-five of the Private Laws of one thousand nine hundred and seven is hereby repealed.

Road duty.

Sec. 6. That all able-bodied male persons between the ages of eighteen and forty-five years shall be liable to road or street duty as prescribed in the general road laws of Madison County.

Sec. 7. That section five of chapter four hundred and eighty-five of Private Laws of one thousand nine hundred and seven be amended by striking out the word "chairman," in line three of

said section, and inserting in lieu thereof the words, "the member that is elected to preside over meetings of the board of internal improvements in the absence of the mayor."

Board of internal improvements to wind up affairs.

Sec. 8. The present members now constituting the board of internal improvements of the town of Marshall shall hold their offices and constitute the said board of internal improvements until they shall have wound up the matters now before the board, and it shall be their duty to proceed forthwith or as soon as practicable to collect or adjust the amount or amounts due said town by reason of the assessments against abutting property on Main and Bridge streets for betterments, and pay off, so far as they may have funds, the obligations of said board. It shall be the duty of the chairman of said board to call a meeting of its members not later than the fifteenth of March, one thousand nine hundred and thirteen, and it shall be the duty of the members of said board when practicable to meet upon the call of the chairman and take active steps to wind up the matter of assessments as aforesaid.

Election of new board.

It shall be the further duty of said board, as soon as practicable after they have adjusted the matter of collecting or adjusting the assessments and liens against the property abutting on the improved streets and adjusted the obligations of the board, to elect two members of its board to succeed the board and turn over to them all moneys, funds, effects, tools and machinery, books and records of all kinds belonging to said board; and said members so elected shall hold their office for a term of four years and until their successors are elected and qualified, and the two members so elected, together with the mayor of said town of Marshall, shall be and constitute the board of internal improvements of said town, and shall succeed to all the rights, powers, and duties of the board of internal improvements as now constituted or as hereinafter constituted by the provisions of this act:

New board to succeed to rights, powers, and duties.

Proviso: vacancies.

Provided, in case of a vacancy occurring either by death, resignation, or failure to qualify, the mayor and remaining member of said board shall appoint a successor to said member from the same political party as the retiring member: *Provided further*, that in case there shall be two vacancies on said board from any cause, then it shall be the duty of the mayor forthwith to appoint two other citizens and real property holders of the town of different political parties. The said members of the board of internal improvements shall, as soon as practicable after notice of their appointment, take the oath of office, organize by electing one member of the board as secretary and treasurer, and one member to preside over the meetings of said board in the absence of the mayor of said town, who by virtue of his office shall be chairman of said board, and enter upon the discharge of their duties as such board: *Provided*, that if all the owners of the abutting property on Main and Bridge streets against which assessments for betterment have been made shall each tender and

Proviso: mayor to appoint.

Entrance on duties.

Proviso: settlement of outstanding assessments.

pay their pro rata part of an amount sufficient to pay off all the indebtedness and obligations of the board of internal improvements, including the two notes of one thousand dollars each due the banks of Marshall, and also a sufficient amount to equal the amount the town of Marshall will receive from the county treasurer out of the road fund of the taxes levied in one thousand nine hundred and twelve, then the board of internal improvements of said town shall make a new rate of assessment which shall only be large enough to cover said amounts and release all of the first assessment over and above the said amount necessary to meet the obligations and additional amounts mentioned, and refund to those abutting property-owners who have paid the first assessment all of same, except the pro rata part necessary to meet the stipulations of this proviso; otherwise, the said board shall proceed as provided in this act.

New rate of assessment.

Pro rata repayment of assessments.

Sec. 9. That in addition to the levy of taxes authorized in section twelve of chapter one hundred and sixty-five of Private Laws of one thousand nine hundred and five, the board of aldermen shall at the time of the annual levy in one thousand nine hundred and thirteen and annually thereafter impose a special levy of twenty-five cents on each one hundred dollars worth of taxable property in said town and seventy-five cents on each poll for a special road or street fund, as provided in section twenty-six of the consolidated and amended road laws for Madison County enacted at the present session of the General Assembly, which special tax shall be collected as other taxes are collected and paid over to the treasurer of the board of internal improvements and expended in improving the streets as provided in section twenty-six of said road law for Madison County: *Provided*, that the board of aldermen shall not be prevented from setting apart other sums for street improvement and maintenance out of the general fund.

Tax for road or street fund.

Collection and settlement.

Proviso: appropriation to streets from general fund.

Sec. 10. That it shall be the duty of said board to continue from time to time the work of improving the streets and roads of said town as available funds come into their hands or at their command, and it shall be their further duty when using funds arising from the special tax levy provided in this act and under the provisions of the road law for the county of Madison to comply strictly with section twenty-six of said road laws as to the manner of expending said funds. It shall be the further duty of said board, before improving any road or street, if it has not already done so, to lay out, survey, and locate same upon the best grade possible and practicable. The width of such roads shall not be less than twenty feet when intersecting with any first-class highway of the county; and it shall be the further duty of said board to improve the road or streets other than the main street between the Frisbee Branch and the railroad crossing above the depot as soon as available funds are at their command, by macadamizing or

Continuation of street improvements.

Use of special road fund.

Survey of street for improvement.

Width of roads.

Streets other than main street.

Proviso: supervision of improvement.

building sand-clay roads: *Provided*, no improvement of such roads shall be done except under the immediate supervision of a competent road overseer and the general supervision of an engineer skilled in road work.

Engineer and overseer.

Sec. 11. The said board is hereby authorized and empowered to employ an engineer and an overseer skilled in road building and pay them such reasonable sums for their services as they may contract for.

Apportionment of road funds.

Sec. 12. It shall be the duty of the board of internal improvements and the board of aldermen in appropriating and spending money for the improvement of the streets for said town to make an equitable and just division of the funds between the roads and streets on each side of the river in said town.

Aldermen to enforce road duty.

Sec. 13. It shall be the duty of the board of aldermen to see that all persons liable to road duty perform the full number of days for which they are liable or pay in lieu of work as provided by law.

Compilation of statutes and ordinances.

Sec. 14. The board of aldermen of the town of Marshall is hereby authorized and directed to compile the statutes and ordinances of said town, the compilations to include the charter with such other acts and ordinances as relate to the town.

Joint sessions of aldermen and board of internal improvements.

Sec. 15. The board of aldermen and the board of internal improvements of the town of Marshall are hereby empowered to meet in joint session and shall meet upon call of the mayor to consider any matter over which the two boards have concurrent jurisdiction, and a majority vote of the joint session shall control: *Provided*, a quorum of each board is present.

Majority vote of joint session. Proviso: quorum.

Fire district.

Sec. 16. The said boards in joint session are hereby authorized and empowered and it shall be their duty to lay out and establish in said town of Marshall a fire district which shall include the business part of Main Street and prescribe the kinds of material which may be used in constructing buildings in such district.

Appointment and duty of tax lister.

Sec. 17. The said boards in joint session shall have power and it shall be their duty to annually appoint some suitable citizen who is a freeholder of said town as tax lister, whose duty it shall be to list the property of the town under the same rules and regulations as the county and township assessments are made, and shall be subject to the orders of the said board; and it shall be the duty of the tax assessor to make diligent search and inquiry and list all taxable property within the corporate limits.

Compensation of members of boards and mayor.

Sec. 18. The said boards in joint session shall fix the compensation of the members of the boards and mayor, which compensation shall not exceed two dollars each for each regular meeting and one dollar for each regular called meeting: *Provided*, this shall not interfere with the other compensation of the mayor.

Proviso: other compensation of mayor.

Protection of road equipment.

Sec. 19. It shall be the duty of both the board of aldermen and the board of internal improvements of the town of Marshall to preserve and protect the road machinery and tools belonging to

said town and keep the said machinery or a commanding interest in same so that the town may have the use of same until the roads and streets of the town are properly graded and improved.

Jurisdiction of board of internal improvements.

Sec. 20. The board of internal improvements shall only have jurisdiction over the improvements to be made with the special-tax fund provided for in the consolidated and amended road law for Madison County, act of this session, and the special-tax fund provided for in this act and a joint jurisdiction over the road machinery belonging to the town, and over the funds that be turned over by the members of the now existing board when they go out: *Provided, however*, that if the county of Madison or the Marshall Township of Madison County shall issue and sell bonds, and the officers in charge shall assume the management and the improvement of the streets and roads within the corporate limits of the town of Marshall which intersect with the county roads improved and to be improved, and the provision for a special tax in the consolidated and amended road law for Madison County enacted at this session become inoperative, then and in that case the special tax provided for in section nine of this act shall become inoperative. It will then be the duty of the board of internal improvements, when they have used all the funds at their command in the way of improvements, to relinquish all control of the affairs of the town to the board of aldermen, except their duty as members of the building committee and the duty to sit with the board of aldermen in laying out fire district for the town, and the said board of internal improvements shall cease to be responsible for such matters as they have surrendered control over.

Proviso: special tax inoperative on issue of bonds.

Control of affairs relinquished to aldermen.

Aldermen to continue street improvements.

Sec. 21. It shall be the duty of the board of aldermen of the town of Marshall to continue the improvements of the streets and roads of the town as is practicable with the free labor and the funds arising from taxation at their command as permitted by law. The said board of aldermen shall have the power and authority formerly possessed by the board of internal improvements in regard to the water and sewer systems; and it shall be the duty of the said board of aldermen to take such steps as is necessary to put the town in good sanitary condition. It shall be the duty of the board of aldermen to divide and classify the duties of their office into departments and to assign one or more departments to each of their members, and each member shall be held responsible for the management and supervision of the department so assigned to him, and shall make written reports to each regular monthly meeting of the board, with such recommendations as to the administration of his department as to him may seem best: *Provided*, that the assignment of any member to a department shall not operate to relieve the board from the duty or responsibility of faithfully discharging all the duties imposed upon the board by law, but it shall be the duty of the board to see that each member shall do and perform all the duties

Water and sewer systems.

Departments.

Responsibility of members.

Proviso: assignment not to relieve board.

When reduction of aldermen effective.

assigned to him. The amendment in this act reducing the number of aldermen from five to three shall not become effective until the next general election.

General law applicable.

Sec. 22. The provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, entitled "Towns," are hereby declared applicable to the said town of Marshall, except such laws and clauses of laws as are in conflict with the charter of said town or any of the special acts relating to said town.

Change in board of internal improvements.

Sec. 23. That section nine of this act shall not be operative until the board of internal improvements elect two members of their board to succeed the board.

Violation of act misdemeanor.

Sec. 24. Any board or member of a board violating any of the provisions of this act shall be guilty of a misdemeanor, and upon

Punishment.

conviction shall be punished in the discretion of the court.

Sec. 25. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 26. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 233.

AN ACT TO PERMIT APEX GRADED SCHOOL DISTRICT IN WAKE COUNTY TO VOTE $12,500 OF BONDS.

The General Assembly of North Carolina do enact:

Trustees may petition for election.

Section 1. That a majority of the trustees of the Apex Graded School District, in Wake County, North Carolina, be and is hereby authorized and empowered to petition the board of county commissioners of Wake County, North Carolina, to call an election in said district, at a time and place to be specified by them,

Question to be voted on.

to determine the question, "Shall the Apex Graded School District, in Wake County, issue twelve thousand and five hundred dollars of the bonds of said district, with interest coupons attached, to enlarge the graded school building in said district?"

County commissioners to order election.

Sec. 2. That upon said request of a majority of the trustees, as aforesaid, it shall be the duty of the said board of county commissioners of Wake County to order an election to be held in said district, at such time and place as may be specified in said request, to determine the question, "Shall the Apex Graded School District, in Wake County, issue twelve thousand and five hundred dollars of the bonds of the said district, with interest coupons attached, to enlarge the graded school building in said district?"

Notice of election.

That said board of county commissioners shall, at least thirty days preceding such election, give notice of said election and purpose

thereof, by publication in one or more newspapers published in said county and at such other places as may be determined upon by it.

Sec. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all of the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper: *Provided further*, that said board of county commissioners shall appoint a registrar and judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of county commissioners at its next regular meeting next following the election, and said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

Law governing election.

Proviso: new registration.

Registration.

Proviso: election officers.

Registration and challenges.

Count and return of votes.

Canvass, declaration, and record of result.

Sec. 4. That at said election the ballots tendered and cast shall have written or printed upon the same, "For School Bonds" or "Against School Bonds," and all qualified electors who favor the issue of bonds shall vote a ticket on which shall be written or printed the words "For School Bonds," and all qualified electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the words "Against School Bonds."

Ballots.

Sec. 5. That if a majority of the votes cast in said election shall be "For School Bonds" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Wake County to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed twelve thousand and five hundred dollars, which said bonds shall bear a rate of interest not to exceed the rate of six per cent per annum, with interest coupons attached, payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, as the said board of county commissioners of Wake County may determine; that said bonds and coupons attached thereto shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and that said bonds shall have upon them the seal

Bonds issued on majority of vote cast.

Denomination.

Amount.

Interest.

Maturity.

Authentication.

of the county; that said bonds shall be styled bonds to enlarge the graded school building in Apex Graded School District of Wake County.

Bonds delivered to treasurer of school fund.

Sec. 6. That upon the preparation, signing, and executing of said bonds, said board of county commissioners shall deliver the same to the treasurer of the school fund in Wake County, who

Sale of bonds.

shall sell said bonds at such times and in such manner as the said

Specific appropriation of funds.

board of education for Wake County may direct; that none of the said bonds or the proceeds thereof shall be used by said board of education for any other purpose than that provided by this act; that said bonds shall be numbered consecutively, and the coupons attached shall bear the numbers of the bonds to which

Record of bonds.

they are attached. The bonds and coupons shall state the time, place, when they are due and when payable and by what authority they were issued. The said board of education for Wake County shall record all the proceedings in respect to said bonds in the minutes of its meeting, and, when sold, the numbers of the bond or bonds, the denominations, to whom sold, and the number of coupons attached.

Deposit and expenditure of proceeds.

Sec. 7. That when said bonds are issued and sold, the proceeds thereof shall be deposited with the treasurer of the school fund for Wake County, and the same shall be expended by said board of education in such manner and for such uses and purposes in the building and equipment of a public graded school building and in the maintenance of said graded school as a majority of the

Funds and accounts kept separate.

trustees herein mentioned shall direct, and no other; that the said treasurer of the board of education shall keep said funds provided for in this act which may come into his hands separate from all other funds, and shall keep separate accounts of the

Bond of treasurer.

same, and for the faithful performance of his duties in this respect the said treasurer shall execute an official bond, payable to the State of North Carolina for the use of said trustees in the usual manner, in such an amount as the board of county commissioners may direct.

Special tax.

Sec. 8. When said bonds shall have been issued the board of county commissioners of Wake County shall levy annually on the

Limit of rate.

first Monday in June a tax not exceeding ten (10) cents on the hundred dollars of property and thirty (30) cents on the poll in said Apex Graded School District of Wake County, to provide for the payment of the interest upon the same and to create a sinking fund sufficient to meet the payments of said bonds at their

Collection.

maturity. The tax so levied shall be collected as other taxes,

Fund kept separate.

and shall be kept by the treasurer of the school fund as a sep-

Application.

arate fund, and shall be applied, first, to the payment of the interest upon said bonds; secondly, to the creation of a sinking fund as aforesaid; and, lastly, to the maintenance of said public

Commissioner of sinking fund.

Apex Graded School. The said treasurer of the school fund shall be commissioner of the sinking fund for said bonds, and it

shall be his duty to keep said fund invested in some safe security or bond; said commissioner of the sinking fund shall be required to execute such bond as the board of education shall direct for the safe keeping of said fund and the faithful performance of his duties as commissioner, and he shall make such reports from time to time as the board of education or the trustees herein mentioned may direct. Investment of sinking fund. Bond and reports of commissioner.

Sec. 9. That this act shall not be construed to release or to repeal or in any manner interfere with any annual tax heretofore voted by district for school purposes. Former taxes not interfered with.

Sec. 10. That this act shall apply only to the Apex Graded School District in Wake County. Application of act.

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 234.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS FOR THE PURPOSE OF PURCHASING ADDITIONAL LANDS AND WATER-COURSES FOR THE PURPOSE OF EXTENDING AND ENLARGING THE CITY'S WATERSHED, AND TO PROVIDE FOR AN ELECTION ON THE SAME.

Whereas it is necessary for the city of Asheville to secure additional water to supply the needs of the rapidly increasing population of said city, and said city desires to issue long-time bonds in a sum not exceeding one hundred thousand dollars ($100,000) for the purpose of purchasing and improving additional lands and water-courses and the construction and extension of its water mains, and further desires to procure authority to provide for the payment of said bonds and the interest thereon out of the revenues derived from and through the water department of said city, and to provide a sinking fund to meet the interest as it becomes due and the principal when it shall become due: Now, therefore, Preamble: necessity for additional water supply.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Asheville be and it is hereby authorized and empowered to issue bonds of said city of Asheville to an amount not exceeding one hundred thousand dollars. Bond issue authorized. Amount.

Sec. 2. That said bonds shall be negotiable coupon bonds of such form and denominations as said board of aldermen may Denomination.

Obligation of bonds.

Authentication.

Interest.

Maturity.

determine, and shall be direct obligations of the city of Asheville, for the payment of which, both principal and interest, the full faith and credit of said city shall be pledged. Said bonds shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city. They shall draw interest at a rate not to exceed five per cent per annum, interest payable semiannually at such place or places as said board of aldermen may determine, and shall mature at such time or times as said board of aldermen may determine.

Sale of bonds.

Advertisement of sale.

Sec. 3. Said bonds shall be sold by said board of aldermen to the best bidder, after due advertisement of the sale thereof. Said advertisement shall be made in at least one local Asheville paper and in some recognized financial journal of the city of New York.

Fund for interest and sinking fund.

Special tax.

Sec. 4. Said board of aldermen are authorized, empowered, and directed to set aside from the receipts of the water department of said city semiannually an amount sufficient to pay the interest on said bonds, and are authorized, empowered, and directed to set aside semiannually from the receipts of the said water department an amount of money sufficient to constitute a sinking fund to pay said bonds at maturity. The board of aldermen, in addition to the above method of providing for the payment of said interest and the principal of said bonds at maturity, are authorized and empowered to levy a special tax upon all the taxable property within said city sufficient to pay said interest and to lay aside a sinking fund if the same be necessary; and such special tax shall be levied from time to time as may be necessary.

Sale below par forbidden.

Specific appropriation.

Sec. 5. That said bonds shall not be sold for less than par value and accrued interest, and the proceeds from said sale, including any premium received upon the sale thereof, shall be applied only to the payment of the purchase price of the lands, water-courses and water supplies and the construction and extension of its water lines and water mains and the necessary expense incurred in connection with the same, and for the improvement and protection of watershed of said city; but the purchaser of said bonds shall not be bound to see to the application thereof to said purpose or purposes.

Purchasers not liable for application.

Funds kept separate.

Sec. 6. That the treasurer of said city shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended under the direction of the board of aldermen of the city of Asheville for the purposes provided in this act.

Question to be submitted to election.

Ballots.

Sec. 7. The provisions of this act, however, shall not take effect nor said bonds be issued until authorized by a vote of a majority of the vote cast at an election held in said city, to be held in the same manner as said elections are now or may hereafter be held for the election of a mayor and board of aldermen thereof; and at any election held under the provisions of this act those who favor the issuing of said bonds herein provided for shall

vote ballots with the word "Approved" written or printed thereon, and those opposed to the issuing of said bonds shall vote ballots with the words "Not Approved" written or printed thereon; and if at any such election a majority of the votes cast shall be "Approved," then said mayor and board of aldermen may, as authorized under the terms of this act, issue said bonds and use the proceeds as herein directed. The first election under this act shall be held when the board of aldermen may order the same, not less than thirty days after the date of said order, and if at such election a majority of the votes cast be not in favor of issuing said bonds, then the board of aldermen shall at any time, as often thereafter as they deem best, not oftener, however, than once in any one six months, order an election to be held under the rules and regulations prescribed by law for election of the mayor and board of aldermen of said city, and after thirty days notice thereof; at each of said elections the ballots shall be as heretofore directed; and if at any such elections a majority of the votes cast be in favor of the issuing of said bonds as aforesaid, then said bonds shall be issued as may be required under the terms of this act by said mayor and board of aldermen, to be applied to the purposes and upon the terms and conditions stated in this act.

Effect of election.

Elections.

Sec. 8. The board of aldermen of the city of Asheville shall, if a majority of the votes cast be favorable to the issuing of said bonds, appoint a trustee, whose duty it shall be to receive from the treasurer of said city the funds collected under this act, for the purpose of creating a sinking fund to pay the principal of said bonds at maturity, and said board of aldermen may require said trustee to give a sufficient bond, from time to time, for the faithful performance of his duties as such trustee, and may prescribe the duties of said trustee not inconsistent with the provisions of this act, and fix the amount of his compensation. It shall be the duty of said trustee to safely invest or lend the money coming into his hands for the purpose of creating a sinking fund: *Provided, however*, no investment or loan shall be made by said trustee without the consent and approval of said board of aldermen.

Trustee of sinking fund.

Bond of trustee.

Investment of sinking fund.

Proviso: approval of investment.

Sec. 9. That the provisions of section twenty-nine hundred and seventy-seven (2977) of Pell's Revisal of one thousand nine hundred and eight of North Carolina, and section thirty (30) of chapter one hundred of the Private Laws of one thousand nine hundred and one shall not apply to the provisions of this act.

Laws not applicable.

Sec. 10. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed so far as the same are inconsistent herewith.

Sec. 11. That this act shall be in full force from and after its ratification.

Ratified this 3d day of March, A. D. 1913.

CHAPTER 235.

AN ACT TO AMEND CHAPTER 186 OF THE PRIVATE LAWS OF 1899, BEING AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eighty-six of the Private Laws of the General Assembly of one thousand eight hundred and ninety-nine be amended as follows: By adding after the word "void," in section thirty-nine of said chapter one hundred and eighty-six, and before section forty, the following section, to wit:

Creation of debt without election forbidden.

"Sec. 39 (*a*). No mayor, alderman, or the board of aldermen shall have power to create or contract any indebtedness for necessary purposes or any other purposes whatever in any amount or amounts which cannot be paid off and discharged out of the current revenues for the then ensuing year, unless such authority is authorized by a majority of those voting at an election to be held submitting such question to the voters of the city of Salisbury, which said election is to be held in the manner provided by said act; and a failure to comply strictly with this section shall be a misdemeanor, and the city of Salisbury shall not be liable for any debts contracted contrary to this section."

Law governing election.
Misdemeanor.
City not liable.

Sec. 2. That section sixty-one of said chapter one hundred and eighty-six shall be amended by striking out all of section sixty-one after the word "any," in the first line of said section, and inserting the following: "owner of a lot on a street, if so ordered by the board of commissioners, shall pave or repair in such manner as the board of commissioners may direct such sidewalk as far as it may extend along such lot; and shall also, if so directed by the board of commissioners: (*Provided*, that all property-owners owning all the street frontage of any block or blocks in the city petition the commissioners to pave same: and *Provided further*, the city has on hand sufficient available funds with which to defray its one-third part of the cost of the paving), macadamize, pave or otherwise improve one-third of the street adjoining with such materials and in such a manner as may be required by the board of commissioners, and all work done under this section shall be done under the strict supervision of the commissioner of public works, and on the failure to do as directed within twenty days after written notice by the said commissioner or of the chief of police to said owner, or if he is a nonresident of the county of Rowan, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the said commissioner for ten days in some newspaper pub-

Repair of sidewalks.

Proviso: petition for pavement.

Proviso: money to be available.

Supervision of work.

lished in Salisbury, calling on the owner to make such repairs, the board of commissioners or the commissioner of public works may cause the same to be repaired or improved as directed by the board, and the expense shall be paid by the person in default; said expense shall be a lien upon said lot, and if not paid within two months after completion of the work, such lot may be sold, or enough of the same to pay such expenses and costs, by the commissioner of public accounts and finances of said city, under the same rules, regulations, and restrictions, rights of redemption and savings, as are prescribed in said charter for the sale of land for unpaid taxes: *Provided, however*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving ten days notice in the manner provided for herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be a lien as herein provided, and collectible as provided above: *Provided further*, that if the property-owner should so elect, and give notice of the fact, in writing, to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which the said work is done up to the time when the same shall be due and collectible, which said time shall be the date on which the taxes are due and collectible, and in case of the failure or neglect of any property-owner to pay said installment when the same shall be due and collectible, then and in that event all of said installments shall at once become due; said property shall be sold as hereinbefore provided, and said installments, interest and cost be paid, and surplus, if any, paid to the owner: *Provided further*, that whenever the city has had any of the said work done, it shall give the owner of the said abutting property ten days notice of the amount charged against his said property, and if the said owner is dissatisfied with the amount of the said charge, he may give notice to the board of commissioners within ten days aforesaid that he takes an appeal to the next term of the Superior Court of Rowan County, and shall, within five days thereafter, serve statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions of law, and the said owner may in like time and manner appeal from any order or act of the board of commissioners made or done under this section, but said appeal shall not delay or stop the said improvements. In case of a street car line passing along any street, the street car company must pay for paving its full right of way."

Expense a lien on lot.

Enforcement of collection.

Proviso: work done by city.

Expense payable in installments.

Proviso: appeal as to amount of charges.

Trial on appeal.

Street car lines.

Sec. 3. Section forty-nine of said chapter one hundred and eighty-six of the Private Laws of eighteen hundred and ninety-

nine shall be amended by inserting after the word "due," in line two in said section forty-nine, the following: "and payable on October the first of each year, and a discount may be allowed by the board of commissioners for the payment of taxes as follows: For the payment of all taxes during the said month of October, three per cent; during the month of November, two per cent; during the month of December, one per cent; and for all taxes not paid prior to February the first following, the said board shall charge the following penalties, to wit: For taxes paid during the month of February, a penalty of one per cent, and for each additional month or fraction thereof thereafter said taxes shall remain unpaid there shall be charged an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes."

Time for payment of taxes.

Discount for prompt payment.

Penalties for delay.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 236.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FREEMONT.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the town of Freemont shall be and continue, as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the Town of Freemont, and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other corporate name or names heretofore used; and by its name may acquire and hold for the purpose of its government, welfare, and improvement, all such estate as may be devised, bequeathed, or conveyed to it, and shall have the right to contract and be contracted with, and sue and be sued, to plead and be impleaded, to purchase, hold and convey real or personal property.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. That the corporate limits of the town of Freemont shall be as follows: Beginning at Jenkins' crossing in the center of said crossing and the Atlantic Coast Line Railroad, and running thence north sixty-four degrees fifty-one minutes west two thousand six hundred and forty (2,640) feet; thence north twenty-five degrees nine minutes east six thousand nine hundred and eight (6,908) feet; thence south sixty-four degrees fifty-one minutes east five thousand two hundred and eighty (5,280) feet; thence

south twenty-five degrees and nine minutes west six thousand nine hundred and eight (6,908) feet; thence north sixty-four degrees fifty-one minutes west two thousand six hundred and forty (2,640) feet to the first station.

Town elections.

Sec. 3. That there shall be on the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, elected a mayor and five aldermen for said town, who shall hold their office until their successors are qualified.

Appointment of registrars.

Sec. 4. That the board of aldermen of said town shall appoint, at or before their meeting in March, one thousand nine hundred and thirteen, and biennially thereafter, a registrar of voters for each precinct in said town, who shall give ten days notice at the town hall in said town of Freemont of a registration of voters in and for said town. In case of vacancy in the position of registrars from any cause, the mayor of said town shall fill the vacancy.

Notice of registration.

Vacancies.

Registration.

Sec. 5. That the registrars shall be furnished by said board of aldermen with the registration books, and it shall be the duty of the registrar to open his books, at the time and place designated, at least ten days before election, and to register therein the names of all persons applying for registration and entitled to register and vote. It shall be the duty of the registrars to keep the names of the white voters separate and apart from those of the colored voters.

Segregation of races.

Judges of election.

Sec. 6. That said board of aldermen shall appoint judges or inspectors of election, who with the registrars shall open the polls and superintend the same on the day of election.

Term of mayor and aldermen.

Sec. 7. That the mayor and aldermen shall hold their offices respectively until the next succeeding election, and until their respective successors are qualified.

Mayor to be sworn.

Sec. 8. That the mayor, immediately after his election, and before entering upon the duties of his office, shall take before a justice of the peace the following oath, viz.:

Form of oath.

"I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, according to my best skill and ability, all the duties of the office of mayor of the town of Freemont while I continue therein; and I will cause to be executed as far as in my power lies, all the laws, ordinances, and regulations enacted for the government of the city; and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Aldermen to qualify.

Sec. 9. That on Thursday succeeding the day of election the aldermen elected shall qualify by taking the oath of office before the mayor or a justice of the peace as prescribed for commissioners of incorporated towns.

Mayor and inferior court.

Sec. 10. That the mayor of said town is hereby constituted an inferior court, and as such shall within the corporate limits of the town of Freemont have all the powers, jurisdiction, and authority of a justice of the peace in criminal cases, to issue

Jurisdiction.

process, and to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, and to execute the by-laws and regulations made by the board of aldermen. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the city.

Mayor special court. Jurisdiction.

Misdemeanor. Punishment.

Sec. 11. That any violation of a town ordinance shall be a misdemeanor and shall be punished with a fine not more than fifty dollars or imprisonment for not more than thirty days, and no preliminary affidavit shall be necessary to give the mayor jurisdiction over the offenses against the town ordinances.

Salary of mayor.

Sec. 12. That the mayor shall receive an annual salary to be fixed by the board of aldermen, to be paid in monthly installments, and when present he shall preside at all meetings of the board; and if there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote; but he shall vote in no other case.

To preside at meetings of aldermen.

Casting vote.

Powers of aldermen.

Sec. 13. That among the powers herein conferred upon the board of aldermen, they shall provide for repairing and draining the streets; take all proper means to prevent and extinguish fires; make regulations to cause the due observance of Sunday; appoint police; regulate, suppress, and relieve nuisances; preserve the health of the town from contagious or infectious diseases; appoint constables or officers to execute such precepts as the mayor and aldermen lawfully issue to them; to preserve the peace and order and execute the ordinances of the town; and shall appoint such other officers, clerks, and collectors and provide for the pay and prescribe the duties of all such other appointees as may be deemed necessary.

Powers as to streets.

Sec. 14. The board of aldermen shall have power to lay and open new streets within the corporate limits of the town and shall have power at any time to widen, enlarge, change, or extend or discontinue any street or streets within the corporate limits of the town, and shall have full power and authority to condemn, appropriate, or use any land or lands for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof.

Condemnation of land.

Taxing power.

Sec. 15. That in order to raise a fund for the expenses incident to the proper government of the town, the aldermen may annually levy and collect the following taxes, viz.: Upon all real estate and personal property within the corporate limits of the city; upon all money on hand; solvent credits; upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

Limit of tax rate.

Sec. 16. That the annual tax on property enumerated in the preceding section shall not exceed sixty-six and two-thirds cents on the one hundred dollars valuation thereof, nor shall the poll tax annually exceed two (2) dollars.

License taxes.

Sec. 17. That in addition to the subjects of taxation for State purposes, the aldermen shall have power to levy and collect a special or license tax not to exceed one hundred dollars on all trades, professions, agencies, business operations, exhibitions, and manufactories in the town of Freemont.

Lien on property for taxes.

Sec. 18. That all taxes levied by the board of aldermen shall be a lien upon the personal property of the taxpayers from the date of the levy thereon and upon the real property from the first day of June of the year in which the said tax is levied, and in case of any delinquent taxpayer, the tax collector is authorized to levy upon and sell the personal property of such delinquent taxpayer, upon ten days notice after the first day of January, and to sell the real estate of such delinquent taxpayer after thirty days notice at any time after the first day of June in the year in which such tax is levied.

Public utilities.

Sec. 19. The town of Freemont may establish a system of sewerage, may pave its streets and sidewalks, may establish a system of waterworks, may establish a gas, electric, or other plant for furnishing lights, or may improve the electric light plant now in operation, and may own and operate any or all of these improvements and may make other public improvements; and may apportion the cost of the same equally among the inhabitants; and

Power to issue bonds.

for the purpose of providing such improvements may, as and when the board of aldermen may determine, issue its bonds from time to time to an amount not exceeding in the aggregate the sum

Limit of amount.

of thirty thousand dollars ($30,000), of such denominations and in such proportions as the board of aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding six

Interest.

per cent per annum, with interest coupons attached, payable one-half-yearly, at such times and at such place or places as may be deemed advisable by said board, said bonds to be of such form and tenor and transferable in such way, and the principal thereof

Maturity.

payable and redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places, as the board of aldermen may determine; said bonds may be issued for any of said purposes, or for two or more, or for all.

Bonds exempt from town tax.

Sec. 20. That the bonds authorized to be issued by the foregoing section, and their coupons, shall not be subject to taxation by said town until after they become due and tender of payment shall have been made, and the coupons shall be received in payment of town taxes or other town dues.

Particular tax.

Sec. 21. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the board of aldermen of said town shall, annually, and at the time of levying other town taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen are authorized to lay and levy tax for any purposes whatever, said particular tax not to be less than

Limit of rate.

three cents nor more than four cents on the one hundred dollars assessed in valuation of property, and not less than nine cents nor more than twelve cents on each poll for each two thousand dollars ($2,000) of bonds so issued. The taxes provided for in this section shall be collected in the manner and at the times other town taxes are collected, and shall be accounted for and kept separate from other town taxes, and shall be applied exclusively to the purposes for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase or discharge of said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds.

Collection of tax.

Funds kept separate.

Sinking fund.

Bond issue subject to election.

Sec. 22. That before any of the bonds herein provided for shall be issued, the same shall first be submitted to the qualified voters of the town, after thirty days notice in some newspaper published in Wayne County, at an election to be held under the same rules and regulations as now prescribed for the election of mayor and aldermen of said town. Such notice shall set forth the object for which said bonds are to be used, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied and collected to be the same. Those qualified voters approving the issue of such bonds and levying and collecting of taxes to pay the same shall deposit in a separate ballot box a written or printed ballot with the word "Approved" thereon, and those disapproving same shall deposit a like ballot with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then the said board of aldermen shall issue the bonds provided for in such notice and shall levy and order the collection of taxes named and authorized by this act.

Law governing election.

Notice of election.

Ballots.

Effect of election.

Assessment for street improvements.

Assessment for sewers.

Collection of assessments.

Sec. 23. That the town of Freemont shall have power, in its discretion, to assess owners of land abutting on streets paved by the town with an amount not to exceed one-third of the actual cost of such paving in front of such abutting land; and said town shall have like power of assessing not exceeding one-third of the actual cost of any sewer in front of such abutting land, but the costs of common outlets shall not be assessed, and the costs thereof as herein provided for may be assessed upon such abutting property and added to the taxes on the same, and collected in the same manner that other taxes for assessments are collected.

Sec. 24. That all laws, clauses in conflict with this act are hereby repealed.

Sec. 25. That this act shall take effect and be in force from and after its ratification.

Ratified this 3d day of March, A. D. 1913.

CHAPTER 237.

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO FURNISH WATER TO THE TOWN OF HAZELWOOD.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the town of Waynesville are authorized and empowered to make such contract with the town of Hazelwood and its citizens or any other adjoining town and citizens, to furnish said town or towns, person or persons, with water from the water supply now owned and maintained by the said town of Waynesville, on such terms and conditions as to the said board of aldermen may seem proper. Supply authorized. Terms and conditions.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this 3d day of March, A. D. 1913.

CHAPTER 238.

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF WINSTON TO EMPLOY AN EXPERT ACCOUNTANT TO AUDIT THE BOOKS AND ACCOUNTS OF EVERY DEPARTMENT OF THE CITY RECEIVING AND DISBURSING FUNDS.

The General Assembly of North Carolina do enact:

Section 1. That it shall be the duty of the board of aldermen of the city of Winston to employ an expert accountant, whose duty it shall be to audit every ninety days all books and accounts of the various and different departments of the city of Winston receiving and disbursing funds belonging to the city. Employment of accountant directed. Quarterly audits.

Sec. 2. That the board of aldermen of the city of Winston shall cause to be established, under the direction of an expert accountant, a uniform and modern system of bookkeeping by its different departments, which shall show the receipts and disbursements and the actual cost of maintaining said different departments and the actual cost of work and improvements upon the different streets of the city and other work authorized by the city. System of bookkeeping.

Sec. 3. That said accountant, under the direction of the board of aldermen, shall have the power to examine into the tax assessments of persons and corporations, all fines, forfeitures, and other sources of revenue due to the city, and make such other investigations as will place all taxable property, real and personal, and all poll taxes, upon the tax books of the city. Said accountant shall further be authorized to investigate and report the cost of running the city government, as well as its resources. Examination of sources of revenue. Other investigations. Investigation of cost of government.

Report of audits.

Sec. 4. That when said accountant shall have finished the auditing of the books and accounts of the city of Winston, he shall file a written report with the board of aldermen of the city of Winston, showing receipts and disbursements of the various departments and the cost of work done on different streets, which report shall be entered in a book by the city clerk, prepared and kept for that purpose; and said accountant shall at the same time prepare a statement showing the receipts and disbursements of the various departments, also the cost of work done on different streets, which statement shall be published in some newspaper issued in the city.

Record of report.

Statement to be published.

Payment of accountant.

Sec. 5. That the board of aldermen of the city of Winston shall pay to the accountant employed to audit the books and accounts of the city of Winston such sum as may be agreed upon between the parties.

Act supplemental to city charter.

Sec. 6. That nothing in this act shall be construed as repealing any provisions in the charter of the city of Winston, but shall be supplemental to and in aid of the charter.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this 3d day of March, A. D. 1913.

CHAPTER 239.

AN ACT TO AMEND CHAPTER 160 OF THE PRIVATE LAWS OF 1911, CONSTITUTING THE CHARTER OF THE TOWN OF APEX, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That sections twenty-four and twenty-five of said chapter one hundred and sixty of the Private Laws of North Carolina of one thousand nine hundred and eleven be stricken out and the following be inserted in lieu thereof:

Improvement districts.

Assessment of costs of streets.

Assessment for sidewalks.

Power to require sidewalks.

"Sec. 24. That the board of commissioners of said town shall have full power and authority to adopt by ordinance a system of laying out districts or sections of streets and sidewalks for permanent improvements within said town, and of equalizing assessments on real estate to pay the cost of paving such streets and sidewalks as may be so improved and to assess not more than one-fourth of the costs of said permanent improvements to such streets and the entire cost of paving or otherwise improving the sidewalks adjoining upon the real estate abutting on each of the streets or part thereof so improved; and where the said town of Apex has heretofore at its own expense made permanent improvements to any street or section of street, the said commissioners shall have full power and authority to adopt by ordinance a sys-

tem of paving the sidewalks on each side of said streets or section of streets of such grade and material as said board of commissioners may by ordinance prescribe, and require the abutting owner to so pave the sidewalk in front of or alongside his property, under the supervision of an officer to be designated by said board of commissioners, and upon failure of said property-owner so to do after thirty days notice personally served (or by publication if not to be found or the owner's whereabouts are not known), then the said board of commissioners shall have authority to cause said sidewalks to be so permanently improved and paved and assess all costs thereof against the property abutting the said sidewalks as hereinafter provided: *Provided, however*, that such streets and sidewalks are built along business or residence property which has been or may be allotted for said purpose.

Work done by town.

Proviso: business or residence property.

"Sec. 25. That said one-fourth of the cost of paving or permanently improving the said streets and said entire cost for paving or permanently improving the said sidewalks, as above provided for, shall be taxed against the property-owners owning lots abutting on said sidewalks in proportion to the frontage of said lots, and shall be a direct charge in favor of the town of Apex against said lots and placed on the town tax books annually as tax against said property, and be collected as other taxes are collected in said town."

Lien on property for charges.

Collection of assessments.

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this 3d day of March, A. D. 1913.

CHAPTER 240.

AN ACT TO INCORPORATE THE GRAND CHAPTER OF THE ORDER OF THE EASTERN STAR OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Mrs. Sallie M. Boettcher, J. W. Rowell, Mrs. Estema Bidwell, Mrs. Mary C. Weatherly and such other persons as are or may become officers and members of the Grand Chapter of the Order of the Eastern Star of North Carolina, and their successors, are hereby constituted and declared to be a corporation under the name of The Grand Chapter of the Order of the Eastern Star of North Carolina, and that said corporation shall have perpetual succession.

Corporators.

Corporate name.

Perpetual succession.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 241.

AN ACT FOR COMPULSORY ATTENDANCE IN THE PUBLIC SCHOOLS OF SCHOOL DISTRICT No. 1 OF SYLVA TOWNSHIP IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Resolution by school committee and county board of education.

Section 1. That if the committee of School District Number One, Sylva Township, Jackson County, shall by resolution so order, and such resolution shall be approved by the board of education of said county, then every person residing in said district and having under his control a child between the ages of eight and sixteen years shall cause such child to attend some public school in said district, and such attendance shall continue during the school term; and for every neglect of such duty the person offending shall be guilty of a misdemeanor and be punished as hereinafter provided.

Misdemeanor.

Absence constituting offense.

Day's attendance.

Sec. 2. The failure to send to school for two consecutive days any child between the ages of eight and sixteen years shall constitute an offense under this act, and not less than four hours shall constitute a day's attendance.

Reports to truant officer.

Duty of truant officer.

Sec. 3. It shall be the duty of every teacher to report daily to the truant officer, in writing, the names of all the children subject to the provisions of this act who have been absent for two consecutive days, and the truant officer shall immediately investigate the cause of such absence, and if in his opinion there is no reasonable excuse therefor, he shall forthwith make complaint against the person having such child under his control, before some justice of the peace residing in said district, who shall summon such person before him to answer such complaint.

Failure of officers misdemeanor.

Sec. 4. Any teacher or truant officer who shall fail to perform the duties prescribed by this act shall be guilty of a misdemeanor and punished as hereinafter provided.

Punishment.

Sec. 5. Upon conviction, any person violating the provisions of this act shall be fined one dollar and costs for each offense:

Proviso: excuses for nonattendance.

Provided, that if any child has attended for a like period of time a private day school, or has already acquired the branches of study required by law to be taught in the seventh grade of the public schools in this State, or if such child has been sick during his absence from school, or if his physical or mental condition is such as to make his attendance inexpedient or impracticable, then in either of said cases such penalty shall not be incurred.

Appointment and pay of truant officer.

Sec. 6. The school committee of said district are hereby authorized to appoint a truant officer for said district, fix his compensation, and prescribe his duties. They may appoint as such officer any constable or town marshal, or other discreet person.

Sec. 7. That all laws and clauses of laws in conflict with this act shall not be operative in said district.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this 3d day of March, A. D. 1913.

CHAPTER 242.

AN ACT TO INCORPORATE "BESSEMER CITY GRADED SCHOOL DISTRICT" AND TO ALLOW IT TO VOTE ON A SPECIAL SCHOOL TAX FOR THE MAINTENANCE OF SCHOOLS THEREIN; AND TO VOTE ON THE ISSUANCE AND SALE OF BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING SCHOOL BUILDINGS IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the following described territory, lying and being in Gaston County, North Carolina, near to and including the town of Bessemer City, and bounded as follows: Beginning at the intersection of the easterly line of D. P. Froneberger's land and the Southern Railway track, about two miles easterly from the railway station in Bessemer City; thence northerly along Froneberger's line and along the easterly line of Rankin's land and along the easterly boundary of the M. F. Fraley land and Gaston Littlejohn's land; thence northerly to the southeasterly corner of C. W. Fuller's land; thence along the easterly and northerly boundaries of said Fuller's land; thence along the northerly boundary of C. C. Kiser's land, J. W. Nance's land, D. Lee Payne's land, J. T. R. Dameron's land (home place) and the William Arrowood lands; thence direct to the northeasterly corner of Porter Morrow's land and along the northerly boundary of his land to A. B. Flowers' land, and along the northerly boundary of said Flowers' land and of W. L. Ormand's land and of the Ormand Mining Company's land (mine tract); thence along the northerly boundary of D. A. Garrison & Co.'s land and of R. L. Lewis's land and of A. G. Gantt's land; thence along the westerly boundary of said Gantt's land and of K. J. Kennedy's land and of Ed. Kennedy's land; thence along the southerly boundaries of said Ed. Kennedy's land and along the southerly boundaries of the following named lands: the Charles Reichel land, Sam Webber's land, Robert Walker's land, the Tom Hambrick lands, the Ormand Mining Company's land, J. L. Rhyne's land, John Gladden's land, and Mrs. M. E. Wolfe's land; thence along the easterly boundary of said Mrs. M. E. Wolfe's land and of H. L. Rhyne's land, and Samuel Hovis's land, the Ormand Mining Company's land and D. P. Froneberger's land to the beginning, be

Boundary of district.

School district created. Official name.

and the same is hereby created a school district under the name and style of "Bessemer City Graded School District" for white and colored children.

Election to be called.

Sec. 2. That the board of trustees hereinafter named shall, on or before the fifteenth day of March, one thousand nine hundred and thirteen, call an election in said district to be held on the second Monday in April, one thousand nine hundred and thirteen, by posting notices thereof in four public places in said district and publishing such notices in some newspaper published in Gaston County, in each issue thereof, on and after March fifteenth and before said second Monday in April. Said trustees shall select, on or before March fifteenth, one thousand nine hundred and thirteen, three of the residents of said district, each of whom shall be eligible to become a qualified voter at such election, one of whom they shall appoint registrar and the other two judges of election, and the three so appointed shall hold such election and shall be governed in their acts in all particulars as to registration of voters, vacancies on their board, challenges, and all other things pertaining to the election, by the laws governing elections of members of the General Assembly of North Carolina, except that the registration books shall remain open for registration of voters ten secular days and shall close on the thirty-first day of March, unless same shall fall on Sunday, in which event said books shall close on March thirtieth; and the next succeeding Monday after the close of registration challenges shall be heard and determined; and except as hereinafter provided for, the returns of the result of such election.

Date.

Notice of election.

Trustees to appoint election officers.

Law governing elections.

Registration.

Challenge day.

Questions to be submitted.

Sec. 3. At said election there shall be submitted to the qualified voters of said district the question whether an annual tax shall be levied and collected for the support of the schools in said district; also there shall be submitted to the qualified voters of said district at said election the question whether or not bonds shall be issued by said district for the purpose of securing building site, building and equipping school buildings, and paying incidental expenses connected with the issuance and sale of said bonds and securing such site and the erection of such buildings and the equipment for same; and in the notice for said election it shall be stated the day and place when and where said election will be held and that the polls will be open for voting between the hours of 8 o'clock A. M. and 4 o'clock Eastern Standard Time of such day; and it shall also be stated in the notices for said election the amount of the proposed bonds, the terms proposed, the rate of interest proposed (but the term shall not be less than twenty years and the rate of interest shall not exceed six per cent) and the proposed use of the proceeds of the sale of the proposed bonds, and reference shall be made in such notice to this act. The amount of the proposed bonds shall not be less than fifteen thousand dollars nor more than twenty-five thousand dollars.

Specifications of notice.

Maturity and interest of bonds.

Amount.

Sec. 4. At such election those favoring the levying and collection of an annual tax for the support of the schools in the said district shall vote a written or printed ballot, without device, with the words "For School Tax" upon it, and those opposed to the levying and collection of such tax shall vote a written or printed ballot, without device, with the words "Against School Tax" upon it; and at such election those favoring the issuance of bonds and the levying of taxes hereinafter provided for shall vote a ballot on which shall be written or printed the words "For School Bonds," and those opposing the issuing of such bonds and the levying of such taxes shall vote a like ballot on which shall be written or printed the words "Against School Bonds." Ballots.

Sec. 5. That if a majority of the qualified voters in said district shall at said election vote in favor of levying and collecting such annual tax for the support of the schools of said district, it shall be the duty of the board of trustees of said district and they are hereby required to appoint a list taker, each year, who shall list all taxable property and polls in said district, placing the same valuation on property as is named in the county list for the current year, and who shall return said list to the secretary of the board of trustees of said district on or before the second Monday in July in each year; and said board of trustees shall then levy a tax on such property and polls of not exceeding sixty cents on one hundred dollars of property valuation and one dollar and eighty cents on each taxable poll, to be devoted to the use of the schools in said district, such levy to be made on or before the first Monday in August in each year, and such taxes shall be due and payable on and after September first next thereafter; but if a majority of the qualified voters in said district shall not vote at such election in favor of levying and collecting said annual tax, then so much of this act as provides for the levying and collecting of said annual tax shall be inoperative and void, and the special school tax in said district heretofore levied and collected annually shall be levied and collected by said board of trustees under the same rules and regulations provided for herein for the levying and collection of said annual tax if voted in favor thereof. Trustees to appoint list taker if tax be voted. Lists and valuation of property. Return of lists. Levy of tax. Limit of rate. Effect of election adverse to tax.

Sec. 6. That if a majority of the qualified voters in said district at such election shall vote "For School Bonds," the said board of trustees of said district shall, without unnecessary delay, proceed to issue coupon bonds in the amount voted for in said election, and to sell said bonds in such manner as they may deem best, and upon such terms and for such prices as they may deem most advantageous to said district; and in case of the issuance and sale of such bonds, said board of trustees shall lay and levy a particular tax annually on all property and polls in said district not exempt from taxation for school purposes, in such amount as will provide for the payment of the interest on said bonds so issued and sold, and for the creation of a sinking fund sufficient to pay and redeem Issue of bonds if vote favors bond issue. Sale of bonds. Particular tax.

Constitutional equation. Proviso: sinking fund.

said bonds at their maturity, levying on each poll the same amount as upon three hundred dollars property valuation: *Provided*, that the tax for the creation of such sinking fund shall not be levied and collected until the expiration of ten years from and after the issuance of said bonds, but shall be levied and collected annually thereafter; and such taxes shall be levied and collected at the same time and in the same manner as prescribed in this act for the levying and collecting of other school taxes in said district; and such taxes shall be kept separate and apart from all other school funds and shall be paid out for interest coupons on said bonds and into the sinking fund for the redemption of said bonds at maturity; and it shall be the duty of said board of trustees to invest said sinking fund from year to year in such securities as may be approved by a majority of said board.

Levy and collection of tax.

Funds kept separate. Specific appropriation.

Investment of sinking fund.

Deposit of proceeds of bonds.

Fund kept separate.

Vouchers.

Surplus applied to sinking fund.

Sec. 7. That the proceeds of the sale of said bonds shall be paid to the treasurer of said district or into such other depository as may be directed by said board of trustees, and such proceeds shall be kept separate and apart from any other funds of said district, and shall be paid out only for the purposes for which the same shall have been voted, and only upon the order of said board of trustees, signed by the chairman and countersigned by the secretary of said board; but any sum remaining on hand from the proceeds of the sale of said bonds after the completion of and payment for purposes for which same may be issued may be applied to the sinking fund and invested as such.

Maturity of bonds.

Authentication.

Sec. 8. That in case of the issuance of said bonds as herein provided for the same shall be redeemable and payable (within the limits prescribed in the notices of election) at such place and in such manner as said board of trustees may determine prior to the issuance of said bonds. Such bonds shall be signed by the chairman of said board of trustees and attested by the secretary of said board and shall have the corporate seal of the corporation hereinafter created affixed thereto. The signatures of the chairman and secretary aforesaid may be lithographed upon the coupons attached to such bonds, and the board of trustees shall in all other respects prescribe the form and tenor of such bonds.

Acquirement of school site.

Erection and equipment of buildings.

Sec. 9. That in case of the issuance and sale of said bonds, said board of trustees shall by a majority vote select and acquire for said district such school site or sites as they may deem best, and shall cause the erection and equipment of school buildings thereon, suitable to the needs of said district and commensurate with the funds available therefor, and may contract for the erection of such buildings in such manner as they may deem best.

Trustees appointed.

Organization.

Sec. 10. That the following named persons be and they are hereby appointed trustees for said district: R. F. Coble, C. C. Kiser, J. H. Wilkins, J. K. Collins, John J. George, C. J. Huss, and A. G. Gantt, who, as soon as practicable after the ratification of this act, shall meet and elect one of their number chairman and

another secretary. The said R. F. Coble, C. C. Kiser, J. H. Wilkins, and J. K. Collins shall hold office until the second Monday in April, one thousand nine hundred and sixteen, and until their successors are elected and qualified; and the said John J. George, C. J. Huss, and A. G. Gantt shall hold office until the second Monday in April, one thousand nine hundred and fourteen, and until their successors are elected and qualified. That the said seven persons shall constitute the board of trustees of "Bessemer City Graded School District," and as such they and their successors in office shall be and remain a body corporate, under the name and style of the "Board of Trustees of Bessemer City Graded School District," and shall adopt and use a common seal and shall be capable of receiving gifts and grants, purchasing and holding property, real, personal, and mixed, selling, conveying, mortgaging, and transferring the same for school purposes and of prosecuting and defending suits for or against said corporation. Conveyances to said corporation shall be to the "Board of Trustees of Bessemer City Graded School District," and all deeds, mortgages, and other contracts affecting real property, and all bonds or other obligations shall be deemed sufficiently executed when signed by the chairman of said board and attested by the secretary and the common seal affixed thereto.

Terms of office.

Incorporation.

Corporate name.

Corporate powers.

Conveyances to board.

Deeds, mortgages, and other contracts.

Sec. 11. Said board shall have power to make such by-laws, not inconsistent with this act, as they may deem expedient for the transaction of their business, but the chairman shall have no vote in any meeting of the board, except in case of a tie, when he shall have the deciding vote.

By-laws.

Vote of chairman.

Sec. 12. That for the purposes of this act a new registration shall be had before each election, and no voter shall be deemed a qualified voter within the meaning of this act unless his name is duly registered under the provisions of this act, and such registration shall be subject to the general laws of the State governing the registration of voters, except as herein otherwise provided.

New registration.

Qualified voters.

Law governing registration.

Sec. 13. Trustees elected under the provisions of this act shall qualify before some justice of the peace on or before the first Monday in May succeeding their election, by taking the oath of office prescribed for State officers and the further oath that they will faithfully and diligently discharge the duties of the said office of trustee to the best of their skill and ability; and trustees appointed by this act shall so qualify within ten days from and after its ratification.

Time for qualification of trustees.

Sec. 14. That between the first and tenth days of March, one thousand nine hundred and fourteen, and biennially thereafter, said board of trustees shall call an election in said district, by posting notices in four public places therein, stating the purpose of such election, which shall be for the election of trustees and for such other purposes as may be deemed best by said board of

Call of election for trustees.

Notices of election.

Date for election.

trustees, and all such elections shall be held on the second Monday in April under the same rules and regulations prescribed for the election on the second Monday in April, one thousand nine hundred and thirteen.

Terms of office.

Sec. 15. Trustees elected at any election hereunder shall hold office for four years and until their successors are elected and qualified, except those who may be elected to fill the unexpired term of trustees whose offices have, for any reason, become vacant; and vacancies in the board of trustees shall be filled by the remaining members thereof until the next election in said district, at which time a successor or successors shall be elected to fill the unexpired term or terms; and vacancies shall be declared whenever the resignation of any member is tendered and accepted by the board and whenever a member shall cease to be a resident of said district.

Vacancies.

Duties and powers of trustees.

Sec. 16. That in addition to the powers and duties hereinbefore and hereinafter imposed upon said board of trustees, it shall be their duty and they are hereby empowered:

Appointment and compensation of officers and agents.

(*a*) To appoint a treasurer, tax collector, and such other officers and agents as they may deem necessary and expedient, and to fix the compensation of such officers and agents; and such officers and agents or any one or more of them may be appointed from among the members of the board or from the voters of the district; but no trustee, as such, shall receive any compensation for his services as trustee.

Trustees not to receive pay.

Power to borrow money.
Proviso: limitation.

(*b*) To borrow money and create other indebtedness on the credit of the district: *Provided*, no such indebtedness shall be created except for necessary expense of maintaining the schools and for current repairs to school buildings in said district.

Condemnation of property for school use.
Determination not subject to appeal.

(*c*) To condemn private property for public school use in said district; and whenever private property in said district shall be required for public school use, and it is so determined by resolution duly adopted by the board of trustees, such determination shall be final, and no appeal shall lie therefrom, and the said board of trustees shall appoint an appraiser, and the owner of such private property may appoint one appraiser, and the two appraisers so appointed shall appoint a third appraiser, each of which appraisers shall be a resident and freeholder in said district. Such appraisers shall meet within three days after their appointment, and after each being duly sworn to act impartially and according to his best judgment, they shall proceed to appraise the damage which will ensue to such private property-owner in consequence of such condemnation, and shall report their finding, verified by their oaths, to the private owner and to the board of trustees, without delay, and whenever, within six months thereafter, said board shall pay or tender payment of the amount named by said appraisers to such private owner, the property so appraised shall be deemed condemned for public school use; but the owner of

Appraisal by arbitration.

Procedure for arbitration.

property so condemned shall have the right to appeal from the findings of such board of appraisers to the Superior Court of Gaston County for trial by jury. In case the private owner shall desire to appeal, he shall cause written notice to be served upon the board of trustees by some proper officer, leaving a copy of such notice with the secretary of the board of trustees or with any member of said board, within thirty days from the date of the finding of the appraising board, and the officer serving such notice shall return the original notice, with the manner and date of service indorsed thereon, to the clerk of the Superior Court of Gaston County, who shall forthwith docket the cause for trial at the next ensuing term of the said Superior Court for the trial of civil actions, when the cause shall stand for trial as any other civil action. In case the private owner shall refuse or fail to appoint an appraiser as hereinbefore provided, within ten days after being notified to do so, he shall be deemed to have waived his right to so appoint, and the board of trustees may appoint an appraiser in behalf of such private owner and the appraisement be proceeded with in like manner as if such private owner had exercised his right to appoint.

Right of appeal.

Notice of appeal.

Return of notice.

Waiver of right to appoint arbitrator.

(*d*) To maintain and operate a public graded school in said district for the white children, and one for the colored children of said district; and the said board shall use and appropriate the funds derived from the district taxes and from all other public sources (applicable to the maintenance of such schools) in such manner as shall be just and equitable to both white and colored races, giving to each equal facilities, having due regard, however, to the relative cost of maintaining a graded school for both races.

Power to maintain and operate schools.

Apportionment of funds.

(*e*) To exercise the control and management of the public schools and school property in said district and to prescribe rules and regulations, by and with the consent and approval of the superintendent of public instruction for Gaston County, for the government of said schools: *Provided*, that all children resident in said district and of ages between six and twenty-one years who conform to the established rules thereof shall be admitted into said schools, as pupils, free of tuition charges, and those desiring admission as pupils, and who reside outside the limits of said district or who may be outside the ages above mentioned, may be admitted upon such terms as said board may determine, but they shall make no discrimination as to terms of tuition to be charged to pupils of the same grade, and such tuition charges shall be at least as much as the per capita expense of maintaining said schools for resident pupils of school age; to prescribe rules and by-laws for the transaction of the business of said board of trustees; to make an accurate census of the school population of the district as required by the general school laws of the State, and to do all other just and lawful things for the proper conduct of the school affairs in said district.

Control and management of schools and school property.

Proviso: resident pupils.

Nonresident pupils.

Rules and by-laws.

School census.

Recommendations of county and State superintendents.

(*f*) To have the advice, visitation, and recommendations of the superintendent of public instruction for Gaston County, and of the State Superintendent of Public Instruction, when requested, in all matters pertaining to the duties of their office.

Employment and compensation of officers, principals, and teachers.

(*g*) To employ and fix the compensation of the officers, principal, and teachers of the schools in said district, and to delegate such powers of control of the schools to the principal and teachers as they may deem proper.

Election of principal and teachers.

(*h*) To elect annually, between the second Monday in April and the first Monday in September, a principal or superintendent of schools in said district, and as many teachers for the several grades as in the judgment of said board may be expedient and for the best interests of said district; but no person shall be elected superintendent or principal or teacher who does not hold license to teach in the public schools of Gaston County.

License to teach.

Monthly visits to schools.

(*i*) To visit each department of the schools of said district at least once in each month when the schools are in session, such visits to be of at least one hour's duration each; but such visits may be made by a committee of not less than two of the members of said board, if desired.

Committee of visitation.

Reports.

(*j*) To make a full and complete report of the operations of said schools and such other reports as may be required under the general school laws of the State, to the State Superintendent of Public Instruction, and to the county superintendent of public instruction for Gaston County.

Apportionment from general funds.

Sec. 17. All public school funds derived from the State and said county of Gaston for the use of the schools in said Bessemer City Graded School District shall be paid to the treasurer of said district or to such other bonded officer as said board of trustees may designate to hold and disburse the school moneys of said district.

Trustees not officers.

Sec. 18. The position of trustee of said school district shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of this State.

General laws applicable.

Sec. 19. The supervision and control of the schools in said district and all matters relating thereto which by the general school laws of this State are now or subsequent hereto may be in force and effect, shall be applicable to the schools in said district, except such as may be in conflict with the provisions of this act.

Apportionment from county.

Sec. 20. That the Board of Education of Gaston County shall apportion to said graded school district its proportionate part of all school funds apportioned to the public schools of said county.

Return of qualified voters.

Sec. 21. It shall be the duty of the registrar and judges of election of any election held in said district under this act, for the issuance of bonds, to incorporate in the returns of the result of the election the number of qualified voters therein. The board of trustees of said district shall canvass the returns and shall judicially determine and declare the result thereof; said board of trustees shall prepare an abstract setting out the number of quali-

Canvass by trustees.

Abstracts of returns.

fied voters in said district, the number of votes cast and how cast at such election, and the result of said election, and after being duly certified as to its correctness, by the chairman of said board of trustees and the execution of such certificate duly proven, as in proofs of deeds and other instruments of writing, said abstracts and certificates shall be copied on the minutes of said board of trustees and shall also be registered in the office of the register of deeds for Gaston County. Record of abstracts.

Sec. 22. That in case the election on the question of issuance of bonds provided for in sections two and three of this act shall fail to authorize the issuance thereof, then and in that case, at any time after the expiration of six months from the date of such election, an election may be called by said board of trustees, under the same rules and regulations as hereinbefore provided, at which election the question of the issuance of such bonds may again be submitted to the voters of said district; and in the discretion of said board of trustees such elections may be held at intervals of not less than six months, until the issuance of such bonds shall be authorized, and whenever the issuance of such bonds shall be so authorized, the duties of the said board as to the same shall be and become the same as hereinbefore prescribed. Subsequent elections.

Sec. 23. All taxes levied under authority of and pursuant to this act shall be due and payable on and after September first in each year, and during the months of September, October, November, and December in each year any taxpayer may pay the amount of his tax to the treasurer of said district and receive his receipt therefor; and any person paying such tax during the month of September shall be entitled to a discount of three per cent of such amount; those paying such tax during the month of October shall be entitled to a discount of two per cent; those paying such tax during the month of November shall be entitled to a discount of one per cent, and those paying such tax during the month of December shall pay the full amount of said tax. On January first of each year the tax books shall be placed in the hands of the tax collector, who shall proceed to enforce collection of all unpaid taxes in said district, under the laws, rules and regulations provided for the enforcement of the payment of State and county taxes. When taxes due. Discount for prompt payment. Enforcement of collection.

Sec. 24. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 25. This act shall be in force and effect from and after its ratification.

Sec. 26. In the event that the election provided to be held on the second Monday in April, one thousand nine hundred and thirteen, shall reject the raising of special tax for the maintenance of schools, and shall also reject the issuance and sale of bonds, then this act shall be wholly inoperative and void. Act inoperative if tax and bonds negatived.

Ratified this 3d day of March, A. D. 1913.

CHAPTER 243.

AN ACT TO ESTABLISH COUNTY LINE PUBLIC SCHOOL DISTRICT IN THE COUNTIES OF IREDELL AND ALEXANDER.

The General Assembly of North Carolina do enact:

Rhyne school district established.

Section 1. That a public school district is hereby created and established, to be known as the "Rhyne" School District, lying partly in Iredell and partly in Alexander counties, the metes and bounds of which are as follows:

Boundary.

Beginning at W. D. McLelland's and W. E. Morrison's corner on Third Creek and running south with McLelland's line to W. E. and M. M. Morrison's corner; thence continuing south with J. A. Walker's and W. F. Pressly's line to W. P. Johnson's corner on J. A. Walker's line; thence running nearly south to J. D. Elliott's line; thence running west with his line and continuing with J. D. Elliott's and J. A. Stevenson's line and with Boyce Elliott's and Susan Hoke's line, including Henry Waugh's farm, a little northwest to the Island Ford Road south of G. S. Elliott's; thence northwest to Elk Shoal Creek, including Press Johnson's farm; thence up said creek to the Broad Shoal Road; thence with said road, including Fons Alexander's, Nelson Alexander's, and Asbury Alexander's farms, to the beginning on Third Creek: *Provided*, the lands of J. D. Elliott shall not be included in this district, but said J. D. Elliott shall be allowed to remain in the Elgin School District of Iredell County.

Control and support of district.

Sec. 2. That said public school district shall be under the general control and support of the county boards of education of Iredell and Alexander counties; the appropriation from the said respective counties to be in proportion to the number of children of school age living in said counties.

Erection of schoolhouse.

Sec. 3. That the boards of education of Iredell and Alexander counties shall have a schoolhouse erected suitable to the demands of said district, at the expense of both counties, to be paid in proportion to the number of children of school age living in said

Reversion.

counties, and if this school is ever discontinued, then this school property shall revert to the said counties in proportion to the

Proviso: location of schoolhouse.

amount invested by each in its construction: *Provided*, the location for said schoolhouse shall be determined by the superintendents of education of Iredell and Alexander counties.

School committee.

Committeemen named.

Sec. 4. This school shall be governed by a committee consisting of two from Alexander and one from Iredell. The committee from Alexander County shall be L. M. Alexander and George Elliott, and committeeman from Iredell County shall be Francis

Term of office.

Pressly. These committeemen shall hold office until their successors shall have been appointed in the usual manner by the Iredell and Alexander boards of education respectively.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 244.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROXBORO SO AS TO EMPOWER THE COMMISSIONERS OF SAID TOWN TO CONSTRUCT SIDEWALKS AT THE EXPENSE OF PROPERTY-OWNERS.

The General Assembly of North Carolina do enact:

Section 1. The commissioners of the town of Roxboro may, upon the written petition of a majority of the persons owning land abutting on the proposed sidewalk, cause sidewalks of concrete or other approved material to be laid along one or both sides of any street, or section of any street, of said town at the expense of the persons owning said property in the manner hereinafter provided: *Provided*, such sidewalks shall be laid only in continuation or extension of other paved sidewalks on the same street, or from intersection with other streets whose sidewalks, on one or both sides, shall have been thus improved at the point of intersection.

Authority to order sidewalks.

Proviso: power limited to extensions.

Sec. 2. Sidewalks constructed under this act, on any street, shall be continuous from one intersecting street to another, or from the corporate limits of said town to the nearest intersection of the street on which said sidewalk is being constructed by another street: *Provided*, that where same would not occasion a break in the continuity of the sidewalk, the commissioners, at the request of any person owning property adjacent to said proposed sidewalk, may exempt said property, either entirely or in part, from the provisions of this act: *Provided*, the commissioners may withdraw said exemption, and, after notice to said owner, cause the sidewalk to be extended along the line of said property.

Continuity.

Proviso: power to exempt property.

Proviso: power to withdraw exemption.

Sec. 3. The width, material, grades, and manner of constructing said sidewalks shall be within the discretion of the commissioners; and when any sidewalk shall have been constructed otherwise than under the supervision of the said town, the said commissioners may, if they deem it necessary, cause same to be taken up and reconstructed in the manner required, and the owner or owners of the property abutting on such sidewalk shall be assessed with the cost of same in the manner hereinafter provided. Where such sidewalk forms a part of a line of sidewalk, a part of which is, according to the requirements of the town, or where it

Width, material, grade, and construction.

Power of reconstruction.

Sidewalks ordered without petition.

is in some business section of the town, no petition shall be required, but the property-owners shall be entitled to ten days notice of the time at which the board of commissioners will consider the said change.

Specifications of petitions.

Sec. 4. Petitions provided for by this act, before they may be considered by the board of commissioners, shall contain specifications showing the street, and the section thereof, on which it is proposed to construct sidewalks, whether on one side or both, and shall be signed by a majority of the persons owning property abutting on said proposed sidewalk. Upon such petition being presented to the board of commissioners, they may fix a time, not less than fifteen days thereafter, for the hearing of the same, and shall cause notice thereof to issue to all persons owning property abutting on said proposed sidewalk, which notice shall be served on said persons by the constable of said town or other duly authorized officer, by reading same to them, not less than ten days next preceding the date fixed for the hearing of said petition: *Provided*, that where any such owner is not a resident of the town, or is absent therefrom, such notice may be mailed to him at his customary address, if known. If such address be not known, then said notice may be posted at the Person County courthouse, and same, in either case, shall be deemed legal notice. The return of the officer serving such notices shall be deemed *prima facie* true by the said commissioners and by the courts of this State.

Hearing on petition.

Notice to property-owners.

Service of notice.

Proviso: service on nonresidents.

Return of notice.

Hearing on petition.

Sec. 5. At the time fixed for the hearing of such petition, the board of commissioners shall proceed to the consideration of same, giving all interested persons opportunity to be heard, and they may continue the hearing of the same from time to time; and at any time before final determination, any person owning property on said proposed sidewalk whose name does not appear on said petition shall have the privilege of signing same, and any such person whose name does appear on said petition shall have the privilege of having it stricken out.

Amendment of petition.

Constitution of tax district.

Sec. 6. When said board of commissioners, by appropriate ordinance or resolution, shall have decreed the construction of such sidewalk, the section of street covered thereby shall constitute a tax district for the purposes of the street improvement herein contemplated, and the lien provided for in the next succeeding section of this act shall relate to the date of said ordinance or resolution, and the record of the same in the official minutes of the board of commissioners shall be deemed sufficient notice thereof as to all persons.

Lien for assessment.

Record of resolution.

Apportionment of assessment.

Sec. 7. The cost of constructing all sidewalks provided for in this act, not including cost of grading, shall be assessed by the board of commissioners against the owners of property abutting thereon in proportion to the number of feet of frontage owned by each; and the amount assessed against each, with the legal rate

Lien for assessment.

of interest thereon from the date of the assessment, shall be and constitute a lien on said property, and the record provided for in the preceding section, together with the record of said assessment, shall be deemed sufficient notice of said lien as to all persons.

Collection of assessment.

Sec. 8. The constable of said town, or other person duly authorized to collect the taxes thereof, shall be empowered to enforce the collection of the assessments provided for in the preceding section; and when any such assessment, or interest thereon, or any part of either, being due and demanded, shall remain unpaid for thirty days after demand, the said constable, or other person as aforesaid, shall, unless otherwise directed by the board of commissioners, proceed, after due and lawful advertisement thereof, to sell the property against which the assessment is levied, at public auction; and he shall issue to the purchaser thereof a certificate describing the property sold and showing the name of the purchaser, the date of the sale, the amount of the assessment, and the amount paid. The owner of said property, or his assignee or mortgagee, shall have one year in which to redeem same by paying the purchaser thereof the sum paid by him, together with twenty per centum in addition thereto. If redeemed by a mortgagee, the amount paid by him shall become a part of the principal of his secured debt. If the same be not redeemed within one year, then the said constable, or other person as aforesaid, shall, upon the application of the purchaser, make, execute, and deliver unto the said purchaser a deed conveying the said land; but such deed shall not be delivered unless the purchaser shall have first given the notice and otherwise observed the requirements laid down in Revisal of one thousand nine hundred and five, governing the execution of tax deeds by sheriffs. Any surplus, after paying the amount of the assessment and interest and the cost of sale, shall be paid to said owner.

Sale of property for assessment.

Certificate to purchaser.

Time for redemption.

Redemption by mortgagee.

Deed to purchaser.

Notice to owner.

Surplus paid to owner.

Action for enforcement of lien.

Sec. 9. In lieu of the remedy provided in the preceding section, the board of commissioners may enforce the said lien by appropriate action in the Superior Court of Person County.

Regulations for payments.

Sec. 10. The commissioners of said town may make any regulations which to them may seem just for the payment of the said assessments, either by notes or installments or otherwise; but the same shall in no wise impair the lien conferred by this act.

Street to be graded.

Sec. 11. No sidewalk shall be constructed under the provisions of this act until the street on which same is constructed shall have been graded under the supervision of a competent engineer.

Sec. 12. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 245.

AN ACT TO AMEND CHAPTER 77, PRIVATE LAWS OF 1905, RELATIVE TO COMPULSORY SCHOOL LAW FOR BRYSON CITY GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Persons having charge of children to enforce attendance during school term.

Neglect a misdemeanor.

Penalty.

Absence constituting offense.

Reports of absences.

Failure to report misdemeanor.

Punishment.

Truant officer to investigate absences.

Complaint to magistrate.

Summons to school officers.

Fine and costs.

Section 1. That every person residing in the Bryson City Graded School District, as described and set forth in section one, chapter seventy-seven, Private Laws of one thousand nine hundred and five, and having under his control a child or children between the ages of eight and fourteen years, shall cause such child or children to attend some public school in said district, and such attendance shall continue during the school term; and for every neglect of such duty, the person offending shall be guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, be fined one dollar for the first offense and two dollars for each subsequent offense, with costs. An offense as understood and contemplated by this act shall consist in failure to send to school any child or children for two consecutive days, or two days in any one week during said school term, except in case of sickness of said child or children, or contagious illness in the family of said child or children, or other reasonable excuse. It shall be the duty of every teacher to inform the principal or superintendent, or other person in charge of any school, against any one so offending, which principal, superintendent, or other person in control of said school shall immediately inform the truant officer regarding such offender; and any such principal, superintendent, or other person in control of said school failing to report such information to the truant officer shall be guilty of a misdemeanor, and fined one dollar for each offense. When any complaint is made to the truant officer by any principal, superintendent, or other person in control of any school, as above provided, of the failure of any person to comply with the foregoing provisions of this section, the truant officer shall immediately investigate the cause of such absence, and if, in his opinion, there does not exist a reasonable excuse therefor, he shall forthwith make complaint against the person having such child or children under his or her control before some justice of the peace residing in the territory above described, who shall summon such person before him to answer such complaint. If complaint be made before any justice of the peace residing in the territory above described, that any principal, superintendent, or other person in charge of any school in said territory is violating the provisions of this section, the justice of the peace shall summon such party so offending before him to answer such complaint; any person convicted of violating the provisions of this section shall be fined

by such justice not exceeding the amount or amounts as above stated, and be adjudged to pay the costs: *Provided*, that if such child or children within the ages above mentioned shall have attended for a like period of time a private day school, or if such child or children have passed a satisfactory examination in the branches of learning required by law to be taught in the seventh grade in the public schools of this State, or have already acquired such branches, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, or if he shall have been excused from attendance by the board of trustees of the Bryson City Graded School, or the board of trustees or school committeemen of any other school in said above described territory, then such penalty shall not be incurred. Proviso: excuses for nonattendance.

Sec. 2. The board of trustees of the Bryson City Graded School are hereby authorized to appoint a truant officer for said school district and fix his compensation, and they may, in their discretion, appoint as such officer any constable, town marshal, or other citizen, and may prescribe such other duties for said truant officer not inconsistent with the provisions of this act that they may deem to be for the public benefit; and the jurisdiction and authority of said truant officer shall extend over all schools maintained at the public expense within the above described territory. Appointment of truant officer. Jurisdiction and authority.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this act shall be inoperative within the territory above described. Repealing clause.

Sec. 4. That this act shall be in force and effect from and after the first day of July, one thousand nine hundred and thirteen. When act effective.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 246.

AN ACT TO AMEND THE COMPULSORY EDUCATION LAW FOR THE CITY OF ASHEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter six hundred and seventy-one, Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby repealed. Law repealed.

Sec. 2. That chapter three hundred and thirty-six, Private Laws of one thousand nine hundred and nine, be and the same is hereby repealed. Law repealed.

Sec. 3. That section one of chapter six hundred and forty-nine, Public Laws of one thousand nine hundred and five, be and the same is hereby stricken out and the following inserted in lieu thereof: "That every parent, guardian, or other person in the city of Asheville having charge or control of a child between the School attendance from eight to fourteen years of age.

ages of eight and fourteen years shall cause such child to attend regularly some day school (public, private, or parochial), which shall be duly approved by the school committee of the city of Asheville, in which at least six common school branches of reading, spelling, writing, arithmetic, English, and geography are taught by some competent teacher or teachers, whose competency and ability may be determined by the said school committee by examination or otherwise, for the full time that the public schools of said city are in session; or shall provide such child, at home or elsewhere, with such regular daily instruction during the usual school hours as shall be, in the judgment of a court having jurisdiction, substantially equivalent in kind and amount to the instruction given the children of like age in the public schools of said city."

Or provide home instruction.

School attendance by children of 14 to 16 years old.

Sec. 4. That section two of chapter six hundred and forty-nine, Public Laws of one thousand nine hundred and five, be and the same is hereby stricken out and the following inserted in lieu thereof: "That every parent, guardian, or person in the city of Asheville having charge or control of a child in said city between the ages of fourteen and sixteen years that is not actually, regularly, and lawfully engaged in some useful employment or service, or who cannot pass a satisfactory fourth grade test on the subjects mentioned in section three hereof, shall cause said child to attend regularly some day school as aforesaid."

Truant or parental schools.

Sec. 5. That section six of chapter six hundred and forty-nine, Public Laws of one thousand nine hundred and five, be and the same is hereby stricken out, and the following inserted in lieu thereof: "That the school committee of the city of Asheville may establish and maintain, from the public school funds of said city, one or more ungraded truant or parental schools within said city, and may set apart one or more rooms in the public school buildings of said city for that purpose, or may, in its discretion, purchase land and maintain separate schools, either within or without the city of Asheville, for children between the ages of eight and sixteen years, who are either habitual truants from any day school in which they are enrolled as pupils or from instruction upon which they are lawfully required to attend, or who, while in attendance at any public school, are incorrigible, vicious, or immoral in conduct, or who habitually wander or loiter about the streets or other public places within said city, without lawful employment, or who are otherwise irregular in their attendance upon school; and all such children shall be deemed juvenile disorderly persons, and may by the school committee of said city, through its officers, or by a court having jurisdiction thereof, be assigned to and required to attend such truant or parental school, or any such department of the public schools of the city of Asheville as may be designated as a truant school, or any such child may be sent to the Stonewall Jackson Manual Training and Industrial School at Concord, North Carolina, or Buncombe County Training and Industrial

Children subject to truant schools.

Juvenile disorderly persons.

Commitment to training school.

School on the Swannanoa River, by the police court of the city of Asheville, or the Superior Court of Buncombe County, upon the recommendation of the school committee of the city of Asheville, who shall give three days notice to the parent, guardian, or other person having charge or control of said child, of the intention of the said school committee to make application to said courts to have said child sent to said school: *Provided*, that the superintendent of the public schools of said city shall have authority, in his discretion, at any time to change any truant from said truant or parental school to the public schools of said city, and may release such truant on the condition that he attend regularly upon some other such day school as that hereinbefore mentioned."

Notice to parents and guardians.

Proviso: authority of superintendent.

Sec. 6. That section seven of chapter six hundred and forty-nine, Public Laws of one thousand nine hundred and five, be and the same is hereby amended by striking out the words "as aforesaid," in line three, and by inserting in lieu thereof the word "once," and by striking out everything between the word "year," in line five, and the word "by," in line six.

Warning to parents.

Sec. 7. That section ten, chapter six hundred and forty-nine of the Public Laws of one thousand nine hundred and five, be and the same is hereby amended by inserting between the words "age" and "contrary," in line three, the following: "or between the ages of fourteen and sixteen years."

Unlawful employment.

Sec. 8. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 247.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF TARBORO TO ISSUE BONDS TO IMPROVE AND ENLARGE ITS ELECTRIC LIGHTING PLANT.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Tarboro be and they are hereby authorized to issue bonds to an amount not to exceed twenty-five thousand dollars for the purpose of improving and enlarging the electric lighting plant of the said town; that the said bonds shall be negotiable coupon bonds, payable to bearer, in such denominations as it may determine, and to become due and payable at such time and place as may be determined upon by said board of commissioners: *Provided, however*, that the time of payment of such bonds shall not be less than twenty years nor more than forty years after the date of their issue.

Bond issue authorized.

Amount.

Denominations.

Proviso: maturity.

Interest.

Sec. 2. That said bonds shall bear interest at the rate of five per centum per annum, and the interest shall be made payable semiannually.

Sale below par forbidden.

Sec. 3. That the bonds issued under this act shall not be sold, hypothecated, or in any way disposed of for less than par value; and the proceeds of said bonds, including the premiums upon the sale thereof, shall be kept separate and apart from other funds of said town, and shall be applied only to the purpose aforesaid: *Provided, however*, that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money to said purpose.

Proceeds kept separate.

Specific appropriation.

Proviso: purchaser not liable for application.

Authentication.

Sec. 4. That the said bonds shall be in such form as the board of commissioners may determine; but the said bonds shall be signed by the mayor of said town and attested by the clerk of said town and sealed with the seal of said town.

Payment of principal and interest.

Sec. 5. That the board of commissioners shall pay the principal and interest of said bonds out of the taxes authorized to be levied under the charter of said town or any act already enacted or to be hereafter enacted; and the said board of commissioners are empowered and shall, if it be necessary to pay off said interest and principal of said bonds, levy a special tax of not more than fifteen cents on every one hundred dollars of valuation on all real and personal property and a capitation tax of not more than forty-five cents on each poll taxable under any act or acts authorizing the said board of commissioners to levy a tax.

Special tax.

Limit of rate.

Bond issue to be approved by voters.

Sec. 6. That the board of commissioners of the town of Tarboro shall not issue the aforesaid bonds nor any part of them, nor levy nor collect the aforesaid tax, until they shall have first submitted the proposition to the qualified voters of the said town of Tarboro.

Call for election.

The said board of commissioners of the town of Tarboro are hereby empowered to call a special election at such time and place as they may fix and to submit to the qualified voters the proposition for the issue of such bonds.

Limit of date.

The said election shall be held not later than the first day of September, one thousand nine hundred and fourteen, and shall be advertised by said board of commissioners for four weeks immediately preceding the day of election, at least once a week in some newspaper published in said town.

Advertisement.

The said advertisement shall state the purpose for which the bonds are to be issued, the terms and conditions thereof, the amount proposed to be issued, the denominations thereof, and the rate of interest and the time of payment of the coupons.

Law governing elections.

The said election shall be held under the rules and regulations which are or may be provided for the election of the governing officers of said town, except as otherwise provided herein.

Tickets.

Those who are in favor of issuing the bonds for the improving and enlarging the electric lighting plant of the said town shall vote a written or printed ticket with the words "For Electric Light Bonds" thereon, and those who are opposed to the issuing of said bonds shall vote

a written or printed ticket with the words "Against Electric Light Bonds" thereon; the result of said election shall be ascertained by the officers thereof, and certified and returned by them to the board of commissioners of the town of Tarboro within two days from the day of election, and the said board of commissioners shall officially determine the result of said election, and cause the same to be recorded in their minutes. If at such election a majority of qualified voters voting at such election shall vote "For Electric Light Bonds," then it shall be deemed and held that the proposition is favored and approved by a majority of the qualified voters of the town of Tarboro, and the board of commissioners shall cause bonds to be prepared and issued for the purpose so approved, and levy a tax in accordance with the provisions of this act, and the proceeds from the sale of said bonds shall be applied as hereinbefore provided: *Provided, however*, nothing herein contained shall be construed to prevent said special election from being held in conjunction with and at the same time and place as any other special election which may be held not later than the first day of September, one thousand nine hundred and fourteen, for the purpose of allowing the qualified voters of the town of Tarboro to determine whether other bonds shall be issued for the extension and improvement of any other public utility of said town; but this proviso shall not relieve said board of commissioners from causing advertisement of the time and place of such election to be made as hereinbefore provided for.

Count and return of vote.

Canvass and record of returns.

Effect of election.

Proviso: election in conjunction with other elections.

Sec. 7. That there shall be a new registration of said voters of said town of Tarboro for said election, and it shall be the duty of the said board of commissioners of said town to appoint registrars and give due notice of said new registration, and the names of the registrars.

New registration.

Registrars.

Notice of registration.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 248.

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS 1909, THE SAME BEING THE CHARTER OF THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-seven of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by adding at the end of section nine the following: "The said board of commissioners shall have power to provide for the collection of rents, water charges, and other revenue for the use of the water obtained from the municipal waterworks system, and, at

Collection of water rents and charges.

Collection from landlords and lessors.

their option, may require landlords and lessors of property in which said waterworks system shall have been or may be installed to pay the rents and charges prescribed by the said commissioners for the use of water furnished in such property."

Sec. 2. That said chapter thirty-seven of the Private Laws of one thousand nine hundred and nine be further amended by adding at the end of section thirty-one the following: "The board of commissioners of said town shall have power to subscribe to the stock of any building and loan association doing business in Caldwell County, and to borrow money from such association for the purpose of paying for the cost of the construction of the municipal building; and may execute such conveyances of said building to such association or associations as may be necessary for the full security of such association or associations."

Subscription to building and loan association.

Power to borrow money.

Security.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 249.

AN ACT TO AMEND CHAPTER 53, PRIVATE LAWS 1897, THE SAME BEING AN ACT TO INCORPORATE THE TOWN OF ROANOKE RAPIDS IN HALIFAX COUNTY, AS AMENDED BY CHAPTER 389, PRIVATE LAWS 1901, AND CHAPTER 9, PRIVATE LAWS 1907, TO PROVIDE FOR THE APPOINTMENT OF A RECORDER OF SAID TOWN OF ROANOKE RAPIDS AND TO PRESCRIBE HIS DUTIES.

The General Assembly of North Carolina do enact:

Election of recorder authorized.

Section 1. That at the regular meeting of the board of commissioners of the town of Roanoke Rapids in Halifax County, in June, one thousand nine hundred and thirteen, if they shall decide so to do, but said action shall be in their discretion, they shall elect some competent citizen of said town of Roanoke Rapids to the office of recorder of said town, and as such recorder he shall have all the power and jurisdiction heretofore conferred upon the mayor of said town under chapter fifty-three, Private Laws one thousand eight hundred and ninety-seven, and by the general law; the jurisdiction as to criminal offenses heretofore conferred upon the mayor being hereby taken from the said mayor and conferred upon the said recorder. Nothing in this act shall prevent the said board of commissioners, if they shall so decide, from combining the two offices of mayor and recorder in one and the same person, or from declining to elect the recorder herein provided. In the event that the said board of commissioners shall decline to elect a recorder as herein provided, the jurisdiction of the mayor shall be and remain as now provided by law.

Power and jurisdiction.

Discretion of commissioners.

Jurisdiction of mayor.

Sec. 2. The said board of commissioners of the said town of Roanoke Rapids are hereby authorized to fix the term of office of the recorder and to provide his compensation to be paid by them, if they shall so decide that there shall be compensation in addition to the fees provided by law in criminal actions: *Provided, however*, that no longer term of office for said recorder shall be fixed than the term of office of the members of the board of commissioners electing such officer. Term of office and compensation. Proviso: limit of term.

Sec. 3. That this act shall be in full force from and after its ratification.

Sec. 4. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 250.

AN ACT TO PREVENT THE SALE OF WINE, CIDER, AND INTOXICATING LIQUORS WITHIN THREE MILES OF INGOLD HIGH SCHOOL, LISBON TOWNSHIP, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the sale of wine, cider, or other intoxicating liquors shall be prohibited within a radius of three miles of Ingold High School, Lisbon Township, Sampson County. Sales prohibited. Territory.

Sec. 2. That any person, firm, or corporation offering for sale wine, cider, or other intoxicating drinks within the said boundary of said school district shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine or imprisonment, in the discretion of the court. Sales misdemeanors. Punishment.

Sec. 3. That all laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 251.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF LUMBERTON GRADED SCHOOLS TO REMOVE AN OLD BUILDING.

The General Assembly of North Carolina do enact:

Section 1. That the board of graded school trustees of Lumberton, or their successors in office, or any body succeeding to their duties, or the board of trustees of Lumberton Graded School Dis- Removal of building.

trict, shall have full power and authority to tear down the building known as the "dormitory," located upon the grounds of the existing white graded school in the town of Lumberton, and to use the material therefrom in the erection of another school building at such point within the graded school territory as they in their discretion may determine.

Use of material.

Sec. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 252.

AN ACT TO INCORPORATE THE CITY OF SALISBURY AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

ORGANIZATION.

Corporation.

Corporate name.

Corporate powers.

Section 1. That the inhabitants of the city of Salisbury shall continue, as they have heretofore been, a body politic and corporate, under the name and style of the "City of Salisbury," and by that name shall have perpetual succession, may sue and be sued, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed to it, and may invest, sell, or dispose of the same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights, and privileges necessary for its proper government or usually appertaining to municipal corporations.

Property and rights vested in city.

Sec. 2. That all property, real, personal, and mixed, of whatsoever character or description and wheresoever situate, now held, controlled, or used by the city of Salisbury for any purpose, or which may hereafter be held, controlled, or used by said city, or which may have been vested in said city by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens, and causes of action of any kind in favor of said city of Salisbury shall vest in and remain and inure to the said city of Salisbury, its successors and assigns, under this act.

Exercise of corporate powers.

Sec. 3. That the corporate powers of the city of Salisbury shall be exercised as hereinafter provided by the board of commissioners and such other officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed.

Distribution of powers.

Sec. 4. That the executive and administrative powers, authority, and duties in the city of Salisbury are distributed into and among

the several departments, and the powers and duties to be performed are assigned to the appropriate departments and officers, all as herein set forth.

BOARD OF COMMISSIONERS.

Board of commissioners.
Mayor.
Election of commissioners.
Commissioner of public works.
Commissioner of public safety.
Commissioner of public accounts and finances.

Sec. 6. The board of commissioners shall consist of three members, one of whom shall be mayor and all of whom shall be elected by a vote of the people as hereinafter provided. One of said commissioners shall be elected and known as the commissioner of public works; one of said commissioners shall be elected and known as the commissioner of public safety, and the mayor shall be known as the commissioner of public accounts and finances.

MAYOR.

Chief executive officer.
Duties not otherwise expressly delegated.
General supervision and oversight.
Chief representative of city.
Reports of failure to perform duties.
Execution of contracts.
Preparation and publication of statements and reports.

Sec. 7. The mayor shall be chief executive officer of the city of Salisbury, and subject to the supervision of the board of commissioners, and shall perform all duties pertaining to such office. He shall do and perform all the duties provided or prescribed by law or by the ordinances of the city of Salisbury, not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the city government, and shall be the chief representative of the city, and shall report to the board any failure on the part of the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the city, unless otherwise provided by law, or ordinance, or resolution of the board of commissioners; he shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

COMMISSIONER OF PUBLIC ACCOUNTS AND FINANCES.

Purchasing agent.
Approval of bills.
Execution of warrants.
Record of warrants.
Collection of taxes and water rents.
License or permits.
Temporary supervision of other departments.

Sec. 8. The commissioner of public accounts and finances shall be the purchasing agent of the board of commissioners of the city of Salisbury, and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased, the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued, they shall be signed by the said commissioners and countersigned by the city clerk, who shall keep a record of all warrants passing through his hands and so signed by him; he shall be collector of all taxes; he shall collect water rents; he shall issue all license or permits as provided by law, ordinance, or resolution adopted by the board of commissioners; and in the absence or inability of any commissioner to act, he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board to

substitute some one else to temporarily perform any of such duties; he shall have control of all employees of his department, and of all other officers and employees not by law, ordinance, or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents, and departments required by law or the board of commissioners to be kept or made; he shall regularly at least once in three months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all departments, employees, and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published, quarterly, itemized statements showing the financial condition of the city, setting forth fully each item of revenue and each item of expenditure; he shall examine or cause to be examined all accounts, pay-rolls, and claims before they are acted on or allowed, unless otherwise provided by law or by order of the board of commissioners; he shall procure from all persons, firms, or corporations operating public-service utilities in the city, and cause to be placed on file, such reports as are by law or ordinance or order of the board of commissioners required to be made by said public-service corporation to the city or any of its officers, and shall procure copies of such reports as are made to the State or any public department or office, and cause the same to be placed on file, and shall collect all license fees, franchise taxes, rentals, and other moneys which may be due or become due to the city; he shall report the failure on the part of any person, firm, or corporation to pay money due the city; he shall report to the board of commissioners any failure on the part of any person, firm, or corporation to make such reports as are required by law, ordinance, or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper; he shall, unless otherwise provided by the board of commissioners, cause to be examined the accounts and records of any person, firm, or corporation operating a public-service utility in the city, whenever such person, firm, or corporation is required to submit its accounts to the city for examination, and shall report to the board of commissioners any refusal on the part of any such person, firm, or corporation to submit to such examination; the assessor, auditor, city clerk, attorney, and their respective officers or departments, and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the department of public accounts

Control of officers and employees.

Supervision of accounts and records.

Quarterly inspection of accounts.

Methods of bookkeeping.

Quarterly audit of accounts.

Quarterly publication of statements.

Examination of claims and pay-rolls.

Reports of public-service companies.

Copies of reports to State.

Collections.

Reports of failures to pay money or to make reports.

Recommendations.

Examination of public-service companies.

Reports of refusal to submit to examination.

Officers and employees assigned to department.

and finances, and shall be under the direction and supervision of the commissioner thereof; he shall do and perform any and all other services ordered by the board, or may be ordered by the board, not herein expressly conferred upon some other department. Other services required by board.

COMMISSIONER OF PUBLIC WORKS.

Sec. 9. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department; the construction, cleansing, sprinkling, and repair of the streets and public places; the erection of buildings for the city; the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the civil engineer of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvements made, when completed, according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance, or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways, and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, cemeteries, and control of the placing of billboards and street waste-paper receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department, and all persons, firms, or corporations rendering services in the city under any franchise, contract, or grant made by the city or State, not otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public-service corporations in, along, under, or over the streets, and shall report to the board of commissioners, or city officers as may be appointed by them to receive his reports, any failure of such person or corporation to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm, or corporation to observe the requirements or conditions of such franchise, contract, or grant. He shall have control and supervision over the sewer system in the city of Salisbury; he shall have charge of and control over the sewer inspector, and all other officers and employees connected with the department of sewers. He shall have charge of the watersheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the city of Salisbury; it shall be his duty to act for the city, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water

Authority and charge over public works.

Construction and care of streets.

Buildings and other improvements.

Approval of estimates.

Acceptance of work done by contract.

Control and management of public grounds and improvements.

Enforcement of laws and ordinances as to streets and public places.

Supervision of public-service utilities.

Street car tracks, telegraph and telephone wires.

Reports of failure to render service or to observe requirements.

Control of sewer system.

Charge of watershed and waterworks.

Rights of way and easements.

for the city; he shall have supervision and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing water for the city; he shall superintend the erection of water tanks and laying of water lines and the operation thereof, and where the meter readings and other water-rent charges are turned over to him he shall proceed to make out water accounts, collect same, and pay the money to the commissioner of public accounts and finances. The department of the civil engineer, and all employees therein; the departments of streets, parks, cemeteries, buildings, and all employees in said departments, shall be under the supervision and control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, cemeteries, and public parks in the city of Salisbury or belonging to said city, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board not herein expressly conferred upon some other department.

Erection and operation of waterworks.

Collection and settlement of water rents.

Departments, officers and employees.

Supervision and control of streets, cemeteries, and parks.

Other services.

COMMISSIONER OF PUBLIC SAFETY.

Sec. 10. The commissioner of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon all such officers and employees, subject only to the control of the board of commissioners; he shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance and patrol wagons used in connection with his department; he shall have supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers, and employees therein or connected therewith and of all fire stations, property and apparatus used in connection therewith; he shall have power to temporarily supersede the chief of the fire department, and his orders to said department, and all employees therein, shall be binding upon said department; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market house, and the employees connected therewith, and of all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys and public ways, on and across railway lines, and through and over the cemetery ways, public parks, and other public places; he shall, subject to the supervision of the board of commissioners, have control of the laws, ordinances, and orders relating to the public

Charge of police force.

Power to supplant chief.

Directions to officers and employees.

Police stations and equipment.

Supervision and control of fire department, officers, employees and equipment.

Power to supersede chief.
Orders binding on department.

Inspectors, market house and equipment.

Enforcement of traffic regulations.

Public health and sanitation.

health and sanitation, and all health officers, employees of the city connected with and under his department, and it shall be the duty of the board of commissioners to pass such ordinances and prescribe such rules and regulations and employ such persons as will be necessary to preserve and protect public health; he shall have control and supervision, through the health officer under his department, over public dumping grounds and dumps, and city scavenger; he shall be charged, through his department, with the enforcement of all quarantine regulations, of keeping clean all streets, alleys, and public places, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety; he shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the control of the board of commissioners, that may be necessary and expedient for the promotion of health and suppression of disease. He shall have supervision and control over the lighting system of the city of Salisbury, and the management and direction of the lighting of the streets, alleys, and all other public places and grounds, and all other places where city lights are placed; he shall be charged with the duty of seeing that all persons, firms, corporations charged with the duty of supplying lights or water power perform the obligations imposed upon them by law, ordinance, or order of the board of commissioners; he shall have the direction of all employees of the city connected with and under his department; he shall perform all other services ordered by the board of commissioners, or that may be ordered by the board, not herein expressly conferred upon some other department.

Commissioners to preserve and protect public health.

Dumping grounds and dumps.

City scavenger.

Quarantine regulations.

Sanitation.

Entry on premises.

Abatement of nuisances.

Supervision and control of lighting system.

Supervision of light and power companies.

Direction of employees.

Other services.

Sec. 11. It shall be the duty of each commissioner to recommend to the city purchasing agent the purchase of goods, and the contracts of all bills necessary to be contracted for his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto. At least one member of the board of commissioners shall be in the city office in the Municipal Building from nine o'clock A. M. until five o'clock P. M. each day for the transaction of city business.

Recommendations of purchases.

Office hours.

Sec. 12. The board of commissioners shall have the power to require all public-service corporations and all people doing a public-service business in the city of Salisbury to make such reports, and have a right to the inspection of such books and papers as the North Carolina Corporation Commission has the right to require and inspect under the laws now enacted or which may be enacted, with reference to public-service corporations doing business in the city of Salisbury.

Reports and inspection of public-service corporations.

Sec. 13. The board of commissioners has and shall exercise all legislative powers, functions, and duties conferred upon the city

Legislative powers.

or its officers. It shall pass all laws, ordinances, and regulations necessary or proper to carry into effect the intent and meaning of this act, not incompatible with the Constitution and laws of this State. It shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the board of commissioners, or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts shall be drawn by the city attorney, or submitted to such officer before the same is made or passed. All heads of departments, agents and employees, are the agents of the board of commissioners only, and all their acts shall be subject to review and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners, in writing, respecting the business of his department, or office, or employment, all matters connected therewith. The board of commissioners may by ordinance or resolution assign to a head of a department, a superintendent, officer, agent, or employee duties in respect to the business of any other department, office, or employment, and such services shall be rendered without additional compensation. The board of commissioners shall elect a city clerk, who shall be one of three commissioners, who shall perform all the duties of city clerk as herein set forth, as well as list taker and clerk for the two commissioners.

Orders for work and improvements.

Levy of taxes. Apportionment and appropriation of funds. Assessments for improvements.

Contracts.

Contracts, ordinances, and resolutions drawn by city attorney.

Agents of board.

Acts subject to review.

Reports to board.

Duties assigned.

City clerk.

Sec. 14. All officers and employees of each department shall be under the control and supervision of the commissioner of that department, subject to the ultimate control of the board. That for any reason, a commissioner with approval of the board of commissioners of any department is hereby empowered to suspend, remove, or discharge any subordinate officer or employee in his department.

Control of officers and employees of departments.

Suspension, removal or discharge of subordinates.

Sec. 15. The board of commissioners shall cause to be audited the books and accounts of all departments, and of all officers and employees, who do or may receive or disburse money.

Audit of books and accounts.

Sec. 16. The board of commissioners shall have charge of all matters pertaining to the public health, and shall perform all duties belonging thereto.

Public health.

HEALTH AND SANITATION.

Sec. 17. The board of commissioners are hereby given, within the city limits, all the power and authority that is now or may hereafter be given by law to the county superintendent of health or county physician, and such further powers and authority as will best preserve the health of the citizens. The board of commissioners is hereby given power to make such rules and regulations, not inconsistent with the Constitution and laws of the State, for the preservation of the health of the inhabitants of the city, as to them may seem right and proper. Said board of commissioners may establish and maintain a hospital or hospitals, or pest-houses, slaughter-houses, rendering plants, incinerators and crematories in the city of Salisbury, or within three miles thereof; may stop, detain, examine, or keep, in a pest-house or houses of detention, persons having or suspected of having any infectious, contagious, or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liabilities to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other property, which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to better preserve the health of the citizens; and all expenses incurred by the city in disinfecting or caring for any person or persons by authority of this section may be recovered by it from the person, persons, or property cared for, and when expense is incurred in caring for property same shall become a lien on said property. That any person who shall attempt by force, or by threat of violence, to prevent his removal, or that of any other person, to the pest-house, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this chapter, shall be guilty of a misdemeanor. Said board of commissioners may elect a health officer and create such other offices and employments as to them may seem right and proper, and fill the same and fix their compensation.

Powers as to health and sanitation.

Health regulations.

Hospitals, pest-houses, slaughter-houses, rendering plants, incinerators, and crematories.

Quarantine regulations.

Vaccination.

Infected property.

Recovery of expense.

Lien on property.

Resistance to officer misdemeanor.

Health officer and other offices and employments.

Sec. 18. Said board is hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanatoriums who may have for treatment any patient afflicted with any infectious, contagious, or other communicable disease, and prescribe penalties for any violation of same. Any person violating any rule or regulation of said board of commissioners or ordinance passed by it shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days, unless a special provision is hereinafter made.

Rules for management of hospitals.

Violation of rule or ordinance misdemeanor.

Punishment.

PUBLIC SCHOOLS.

Maintenance of school system.

Buildings.

Control of school property.

Power to condemn land.

Joint authority with school committee.

School taxes.

Appropriation from general funds.

School tax continued.

Funds kept separate.

Election of school superintendent, teachers, and employees.

Considerations governing selection.

Pupils entitled to school benefits.

Sec. 19. The board of commissioners shall be charged with the duty of maintaining an adequate and sufficient system of public schools in the city of Salisbury, and shall construct and maintain proper buildings, and to that end the public school buildings and all other property now used or which may be hereafter acquired within the city of Salisbury for school purposes shall be under their control and subject to the disposition of the said board of commissioners; and the said board shall have the same power and authority to condemn lands, and to do and perform any and all other acts to acquire and control school property as is given or may be conferred by law upon said board with reference to acquiring land for streets or any other public purposes, and may control school property and grounds in like manner as they are empowered to control streets; and the said board of commissioners shall also have, together with the present school committee of Salisbury as created under chapter one hundred and eighty-six, section ninety-four, of the Private Laws of North Carolina, session one thousand eight hundred and ninety-nine, such power with regard to the public schools of Salisbury as is now conferred by the law upon the school committee of Salisbury, and so much of said section ninety-four as is not hereinafter changed or provided for by this act shall be and is hereby made a part of this act; and the said board of commissioners of Salisbury shall have charge of the collection of taxes to maintain the schools, and construct school buildings and the handling and disbursement of all moneys used for school purposes; and it shall be the duty of the said board of commissioners of the city of Salisbury to appropriate from the funds of the city, in addition to the special school funds, such amounts as may be necessary to discharge their duty of maintaining an adequate and sufficient system of public schools. The special school tax heretofore voted for and now levied shall continue to be so levied and collected and shall be applied to the public schools of Salisbury, and said special school tax shall be kept separate from all other city funds.

Sec. 20. The board of commissioners, together with the school committee, is charged with the duty of electing, annually, a competent, skilled, and expert man as superintendent of the public schools of Salisbury, and also such other teachers and employees for the conduct of such schools as may be necessary for such time as they may indicate.

Sec. 21. The superintendent and other persons elected to serve the public school interests are to be selected according to their ability, education, character, and efficiency for the performance of the duties for which such person or persons are so elected, and these qualities are to control in making such selection.

Sec. 22. Only persons who are *bona fide* residents of the city shall be entitled as pupils to the benefits of the public schools

thereof: *Provided, however,* if there be facilities, after providing for the education of all residents, nonresidents of the city may be admitted by the board of commissioners to the public schools of Salisbury upon the payment of such charges as the board may determine, by order spread upon its minutes, is just. Proviso: nonresident pupils.

Sec. 23. It shall be the duty of the superintendent of schools of Salisbury to devote his time and attention exclusively to them during the school year, except when leave of absence is granted by the board of commissioners and school committee for short periods for good cause. He shall have immediate and direct control over all teachers and janitors of the school buildings and other persons in charge thereof, and shall be responsible for their efficiency, and he shall have power to recommend the discharge of any teacher, or other employee connected with the schools, for any cause satisfactory to himself, and to maintain discipline and order, and establish rules and regulations for the government of the schools, and from his authority, with respect to these matters except as to discharge, there shall be no appeal. The superintendent of public schools of Salisbury shall be subject to be removed from his office by the board of commissioners and school committee for inefficiency or other cause satisfactory to said board and committee, and from said action by the board, with the committee, there shall be no appeal. Superintendent of schools to give entire time to work. Control of teachers and janitors. Recommendations for discharge. Discipline and order. Rules and regulations. Authority supreme. Removal for cause. Decision final.

Sec. 24. The board of commissioners of the city of Salisbury shall, in addition to the other powers herein given them, have full power, by ordinance: Additional powers.

(*a*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, telegraph, gas, power, or other public-service purposes, whenever the conditions upon which such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise has been lost, surrendered, or forfeited. To terminate franchises.

(*b*) To assess, levy, and collect taxes. Taxing powers.

(*c*) To license, tax, and regulate trades, occupations, and professions. Licenses and license taxes.

(*d*) To open new streets, change, widen, extend, and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and parks and other public property belonging to the city as it may deem best for the public welfare of the citizens of said city. Powers as to streets, parks, and other public property.

(*e*) To lay out, establish, and regulate parks within or without the corporate limits of the city for the use of the inhabitants of the same. Parks.

(*f*) To condemn any land that may be required for the purpose of erecting any building or buildings for city hall, market houses, fire companies, graded and public schools and for any other public buildings, whether like those enumerated above or not: *Provided,* that the procedure in such condemnation proceedings shall be the same as herein provided for the condemnation of lands for streets. To condemn land. Proviso: procedure for condemnation.

Public buildings.

(*g*) To erect, repair, and alter all public buildings.

To accept money or property.

(*h*) To accept any money or property for the purpose of any public or corporate use.

Animals going at large.

(*i*) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, dogs, and all other animals and fowls of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said board, and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Driving of animals through streets.

Plumbers and plumbing work.

(*j*) To regulate and control plumbers and plumbing work and to enforce efficiency in the same.

Explosive and combustible materials.

(*k*) To regulate, control, and prohibit the keeping and management of houses or any building for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of gas and oil.

Gas works.

Explosives and fireworks.

(*l*) To license, tax, regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosive or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances, tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purpose of amusement, business, curiosity, or otherwise.

Noises.

Collections of persons on streets and sidewalks.

Railroad tracks, turnouts, and switches.

(*m*) To direct, control, and prohibit the laying of railroad tracks, turnouts, and switches in the streets, avenues, and alleys of the city, unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts, and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues, and alleys in said city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys and ditches, sewers, and culverts, where the board of commissioners shall deem it necessary, and to direct the use and regulate the speed of locomotive engines, trains, and cars within said city, as well as vehicles and automobiles.

Crossings.

Speed regulations.

Use of streets by street cars.

(*n*) To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the speed, running, and operation of the same so as to prevent injury or inconvenience to the public, and from time to time prescribe reasonable fares and transfers for the carriage of passengers.

Fares and transfers.

(*o*) To make such rules and regulations in relation to butchers as they may deem necessary and proper, to establish and erect market houses, and designate, control, and regulate market places and privileges. Butchers. Market houses.

(*p*) To prohibit and punish the abuse of animals. Abuse of animals.

(*q*) To establish and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages, and births. Cemeteries and burial regulations.

(*r*) To prohibit prize-fighting, cock- and dog-fighting. Prize-, cock-, and dog-fighting.

(*s*) To license, tax, regulate, restrict and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen, and shows of any kind and the exhibition of natural or artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances. Shows and exhibitions.

(*t*) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund and provide for its permanence and increase and to prescribe and regulate the conditions under which and the extent to which the same shall be used for the purpose of such relief. Pension fund for policemen and firemen.

(*u*) To pass ordinances for the condemnation of property for the purpose of widening, altering, changing, or extending any of the streets of the city and for opening new streets and for the construction and maintenance of drains, sewers, and combination drains and sewers, and for any other public purpose provided for in this act. Condemnation of property.

(*v*) To define nuisances and prevent and abate the same, whether on public or private property. Declaration and abatement of nuisances.

(*w*) To issue bonds of the city only after they shall have passed an ordinance by a two-thirds vote of the entire board at two separate regular meetings submitting the question of issuing the same to a vote of the people, and after a majority of the qualified registered voters shall have voted in favor thereof. No election shall be held for this purpose until thirty days notice thereof shall have been given by the board of commissioners in some newspaper published in the city of Salisbury. At such election those who favor creating such debt shall vote "Approved" and those who oppose it shall vote "Not Approved." The board of commissioners, if they deem it proper so to do, may order a new registration of the voters of said city at any and all such elections. Issue of bonds. Majority of qualified voters. Notice of election. Ballots. Registration.

(*x*) That upon any reasonable complaint from a responsible party that the rates charged by any public-service corporation are unreasonable, the board of commissioners shall carefully investigate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation, the said board shall enter upon its record an order directing the corporation Regulation of charges for public utilities. Order fixing maximum charges.

Copies to companies. Copy of record to corporation commission. Corporation commission to set day for hearing.

to charge not exceeding such maximum rates as the board may deem proper. The board shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the record of the entire matter. As soon as practicable after the receipt, the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered and directed so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing, the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the board of commissioners shall not become effective until approved by the Corporation Commission as aforesaid.

Notice to parties.

Decision by corporation commission.

Right of appeal.

Order not effective until approved.

Location of hospital.

(*y*) To fix the location of hospitals in which contagious, infectious, or other communicable diseases are to be treated.

Dangerous and unwholesome business.

(*z*) To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.

General ordinances, rules and regulations.

(*aa*) To make and provide for the execution thereof of such ordinances, rules and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the inhabitants of the city as are not inconsistent with this act and with the Constitution and laws of the State.

Selection of officers and employees.

(*bb*) To elect all officers and select all employees of the various departments whose selection is not herein expressly provided for:

Proviso: delegation of selection.

Provided, that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of commissioners to the commissioners of the respective departments, subject to the right of the board to review the action of the respective commissioners:

Proviso: compensation of employees. Fees covered into treasury.

Provided further, the compensation of all employees shall be fixed by the board of commissioners and all fees shall be covered into the treasury.

Condemnation and removal of dangerous buildings.

(*cc*) To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health, or other property, under such just rules and regulations as they may by ordinance establish, and likewise to suppress any and all other nuisances maintained in the city.

Suppression of nuisances.

Jurisdiction of ordinances.

Sec. 27. That all ordinances, rules and regulations of the city of Salisbury now in force, or that may hereafter be enacted by the board of commissioners in the exercise of the police powers given to it for sanitary purposes, or for the protection of the property of the city, unless otherwise provided by the board of commissioners, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of said city limits

within one mile in all directions of same, and to North Carolina Public-service Fair Park, and to the right of way of all water, sewer, and electric light lines of the city, without the corporate limits, and to the rights of way, without the city limits, of any street railway company, or extension thereof, operating under a franchise granted by the city, and to the fair grounds of the North Carolina Public-service Corporation, and upon all property and rights of way of the city outside the said corporate limits and the above mentioned territorial limits, wheresoever the same may be located.

GRANTING OF FRANCHISES.

Ordinances filed for public inspection.

Sec. 28. Every ordinance or resolution appropriating money, or ordering any street improvement, or sewer, or authorizing the making of any contract or granting any franchise, or the right to occupy or use the streets, highways, bridges, or public places of the city for any purpose, shall be complete in the form in which it is finally passed and remain on file with the city clerk for public inspection at least two weeks before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges, or public places in the city of Salisbury shall be granted, renewed, or extended except by ordinance; and every ordinance shall be published in said city before being finally passed upon and must receive the approval, by vote, of a majority of all the members of the board of commissioners before being finally adopted; and any franchise or rights hereunder given or granted shall be paid for; the amount so charged and collected by the board of commissioners shall go into the general fund of the city.

Grant of franchises.

Publication of ordinances.

Vote of majority of commissioners.

Franchises to be paid for.

NOMINATION OF CANDIDATES.

Candidates nominated by primary election.

Sec. 30. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioners, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Tuesday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules, regulations, and penalties, and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for said general election. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner of either of the other two departments, or any other elective office, shall, at least ten days prior to said primary election, file with the said clerk a statement of such condidacy, in substantially the following form:

Date for primary election.

Election officers.

Polling places and law of elections.

Statements of candidacy.

Form.

State of North Carolina—County of Rowan.

I (.....), say that I reside at ..... Street, city of Salisbury, county of Rowan, State of North Carolina; that I am a candidate for nomination to the office of (mayor, or commissioner of a particular department, or other office), to be voted upon at the primary election to be held on the ..... Tuesday of ....., 19.., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

[Signed] .....

Subscribed and sworn to (or affirmed) before me by .... on this ..... day of ....., 19...

[Signed] .....

Publication of names.

And shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five dollars ($5). Immediately upon the expiration of the time for filing the petition of candidates the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words "Vote for one." Like provision shall be made for the names of candidates for each other elective office provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed, "Candidate for nomination for mayor and commissioners of two other departments, and other offices (naming them) of city of Salisbury, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Printing and authentication of ballots.
Arrangement of ballots.

Heading.

Form of ballots.

("Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

"Official primary ballot, candidates for nomination for mayor and commissioners, and other offices (naming them), of city of Salisbury, North Carolina, at the primary election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For commissioner of the department of public works (names of candidates), (vote for one).

"Official ballot. Attest: (Signature) .....

"City Clerk."

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city of Salisbury under such rules as may be prescribed by the board of commissioners, and such challenge shall be passed upon by the judges of election and registrars: *Provided, however*, that the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the city clerk, upon blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the city clerk, under the supervision and direction of the mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in all daily newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor, and the two candidates receiving the highest number of votes for commissioners for each of the respective departments, and the two candidates receiving the highest number of votes for any other elective office shall be candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, and other elective officers at the next succeeding general municipal election.

Distribution of ballots.

Qualifications for voters.

Challenges.

Proviso: law as to challenges.

Count and return of votes.

Canvass of returns.

Publication of result.

Canvass made publicly.

Candidates at general election.

ELECTIONS.

Sec. 31. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and ...., and every two years thereafter, be elected a mayor (who shall also be commissioner of public accounts and finances), a commissioner of the department of public works, a commissioner of the department of public safety, who, together, shall constitute the board of commissioners of the city of Salisbury.

Date for election.

Officers to be elected.

Sec. 32. The city clerk shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile of his signature. Upon said ballots the names of the said candidates for mayor, arranged alphabetically, shall be first placed with a square at the left of each name and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words,

Printing and authentication of ballots.

Arrangement of names.

"Vote for one," and likewise, arranged in alphabetical order, shall appear the names of the candidates for such other elective offices as may be provided by law. The ballots shall be printed on plain, substantial white paper, and shall be headed, "Candidates for election for mayor and commissioners of the two departments of the city of Salisbury, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Heading.

Form of ballots.

("Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

"Official municipal ballot, candidates for mayor, and commissioners, at the municipal election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For commissioner of the department of public works (names of candidates), (vote for one).

"Official ballot. Attest: (Signature) .....

"City Clerk."

Qualified voters.

Sec. 33. That all persons entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding section, and who have been residents of the city and precinct in which they offer to vote for three months next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor, two commissioners, and no one except a resident of the city shall be eligible to any office in the corporation.

Citizens only eligible to office.

Application of general law.

Sec. 34. That the provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election, for testing the qualification and right of any person to vote shall apply as far as possible to any election held under this charter, and the registrar and judges of election are hereby invested with full and ample judicial power to pass upon and decide said qualifications.

Four precincts.

Increase of number.

Boundaries of precincts.

Polling places.

Removal from precinct.

Sec. 35. That the present board of commissioners shall divide the city into four precincts, which number may be increased at any time the board may in its discretion deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in such precinct a polling place as nearly centrally located in the precinct as possible. If any registered voter shall remove from one precinct to another within four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved.

Election officers.

Sec. 36. That the board of commissioners shall on the first Tuesday in March, one thousand nine hundred and fifteen, and every two years thereafter, appoint a registrar and two judges of

election for each precinct in the city, all of whom shall be qualified voters; and said board shall cause publication thereof to be made at the courthouse door, and notice to be served upon such appointees by the chief of police, and shall give ten days notice of a registration of voters for the said election at the courthouse door, specifying the time, place, and name of registrars for said election. Publication and notice.

Sec. 37. That each registrar shall be furnished by said board of commissioners with registration books, and it shall be his duty after being qualified, to perform the functions of his office fairly, impartially, and according to law; to revise the existing registration books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct and still residing therein, and entitled to vote without requiring such electors to be registered anew; and such registrar shall also, between the hours of seven o'clock A. M. and sunset (Sunday excepted), from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing in such city and entitled to registration, whose names do not appear in the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said city. Each registrar shall be required to be at the polling place for his precinct on Saturdays from nine A. M. until eight P. M. during the period for registration. He shall keep the names of white voters separate and apart from those of the colored voters, and any person offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina two years, in Rowan County six months, and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city. If any person willfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail. But the board of commissioners, on fifteen days notice, by publication in some newspaper of the city, before the opening of the books, may order an entire new registration of voters whenever they may deem it proper, and in case this form of government is adopted by a vote of the people of Salisbury, together with this charter, there shall be an entirely new registration for the first primary and election held hereunder, and at any and all subsequent primaries and elections, and any one registering and offering to register in either primary or election who is not entitled to register shall be guilty of a misdemeanor. The registration books shall be closed at eight o'clock P. M. on the second Saturday before the election, and after the same are closed no person shall be allowed to register except

Registration books.

Revision of books.

Registration.

Registration on Saturdays.

Segregation of races.

False swearing a misdemeanor.

New registration.

New registration for first primary and general election.

Registration or attempt to register without being qualified misdemeanor. Close of registration.

Registration after closing.

those coming of age after the books close and before or on election day, who are otherwise qualified electors of the city, and the book shall then be placed in the office of the city clerk, and may be inspected by any person so desiring, and the clerk shall mark the day on which they were received by him, and they shall not be taken from his custody until the day of election. Any registrar failing to deposit his registration book with the clerk at the time prescribed shall receive no compensation for making said registration, and shall be guilty of a misdemeanor.

Books deposited for inspection.

Clerk to mark day of receipt.

Penalty for failure to deposit book.

Election officers to be sworn.

Conduct of election.

Election hours.

Sec. 38. That after being duly sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law, the registrars and the judges of election shall open the polls, receive and deposit the ballots in the boxes provided for the purpose, administer oaths, decide all challenges on the day of election and all questions of voting, superintend and conduct the election for municipal offices in like manner and during the same hours as electors for members of the General Assembly are conducted. The polls shall be open on the day of election from seven A. M. until sunset, and no longer.

Pay of election officers.

Limit.

Proviso: pay for attendance on board of canvassers.

Sec. 39. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the board of commissioners, but the pay of the registrars shall not exceed two dollars ($2) each a day for the Saturdays they are required to be at the polls and the day of election, and two cents additional for each new name registered; and the judges of election shall not be paid more than two dollars ($2) each a day for their services: *Provided*, the board of commissioners may allow the registrars and judges compensation, not exceeding one day's pay, as they may deem proper, for attendance of the election officers upon the meeting of the board of canvassers.

Mayor to fill vacancies.

Sec. 40. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him after being duly sworn, or if a vacancy should occur in said office, for any reason, then the mayor shall appoint to fill the vacancy.

Canvassing board.

Organization.

Canvass of returns.

Persons declared elected.

Sec. 41. That on the day following the day of election all of the registrars and poll-holders of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and such person as shall receive the highest number of votes for mayor shall be declared elected mayor, and such persons as shall receive the highest number of votes for each of the positions of commis-

sioner shall be declared elected commissioner of the respective departments, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of said board, one of which shall be given to the mayor and the other filed in the archives of the city clerk, who the same day shall publish the result of the election at the door of the city hall and in one newspaper published in Salisbury.

Certificate of result.

Copies of certificate.

Publication of result.

Sec. 42. If of the persons voted for as mayor, commissioners of the respective departments, or any other elective office, there shall be an equal number of votes between any two candidates for like office in the municipal election in the city of Salisbury, in such case there shall be held on the following Tuesday an election, in accordance to the provisions herein provided for holding a municipal election for the city of Salisbury. If of the persons voted for as mayor, commissioner of any department, or any other elective officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination of candidates, in accordance with the provisions for holding primaries for the nomination of candidates in the city of Salisbury, to break the tie.

Election for breaking ties.

Primary elections for breaking ties.

Sec. 43. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city and of him who shall sue therefor, one hundred dollars.

Forfeit for default by commissioners.

Sec. 44. That if any person elected mayor, commissioner, or any other elective officer, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or any commissioner or any other elective officer be unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term, or during his disability, as the case may be, to act as mayor, commissioner, or other elective officer, and he shall be clothed with all the authority and powers given under this charter to such regular officer.

Commissioners to fill vacancies.

Sec. 45. The board of commissioners shall have power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, or unless expressly provided to

Call of special elections.

Notice of special election.

Law governing special elections.

the contrary. That all special elections shall be held under the same rules and conditions as are herein provided in this act for general elections.

Challenges.

Sec. 46. Any registered voter of the said city may at any time, before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct,

Challenge day.

and the book shall be kept open at the polling place on the second Saturday before every election for inspection by the voters of the

Challenges noted.

precinct. When a person is challenged the registrar shall enter upon his books, opposite the name of the person objected to, the word "Challenged," and the person so challenged shall not be allowed to vote until the cause of challenge shall be heard and determined, under the rules and regulations prescribed by the general law regulating the election of members of the General Assembly. As soon as any person is challenged, the registrar shall give notice in person or by mail of the same to the person so challenged.

Notice to person challenged.

Determination of challenges.

All challenges shall be heard and determined on the day of election by the registrar and judges.

Term of office.

Sec. 47. That the mayor and commissioners, and all other elective officers, shall hold their offices respectively until the next ensuing election, and until their respective successors shall be elected and qualified.

Duties to be performed by mayor and aldermen.

Sec. 48. That all duties herein imposed upon the mayor and board of commissioners with reference to primaries and elections shall, prior to the election and qualification of mayor and commissioners in one thousand nine hundred and thirteen, be performed by the mayor and board of aldermen of the city of Salisbury as now constituted.

Removal of officer to create vacancy.

Sec. 49. In the case of the removal of the mayor, any commissioner, or any elective officer, from the territorial limits of said city, such removal shall, *ipso facto*, create a vacancy in his office.

TO PROHIBIT BRIBERY.

Bribery defined and made misdemeanor.

Sec. 50. Any person giving or receiving, or any person promising to give or receive any money, property, or thing of value to secure the vote or influence any person in any primary or general election, and any person promising to give or secure, or promising to use his influence to secure any place or position under the city government of Salisbury, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the city government of Salisbury, shall be guilty of a misdemeanor, and shall be fined or imprisoned, in the discretion of the court;

Candidate guilty of bribery ineligible for office.

and any person, a candidate for office, who shall be guilty of the offense above prescribed shall, upon conviction, be ineligible to hold any office under the government of the city of Salisbury.

SALARIES.

Offices of mayor and commissioners. Salary of mayor.

Sec. 51. The mayor and commissioners shall have offices at the city hall. The compensation of the mayor shall be two thousand

dollars ($2,000) per annum, and that of each commissioner fifteen hundred dollars ($1,500) per annum, payable in equal monthly payments. Every other officer, agent, employee, and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at nonpayment intervals. Salary of commissioners. Other salaries.

MEETINGS.

Sec. 52. Regular meetings of the board of commissioners shall be held on Monday, Wednesday, and Saturday of each week at nine o'clock A. M., and special meetings may be called at any time by the mayor or two commissioners. All meetings of the board of commissioners, regular or special, shall be open to the public. Two members of the board of commissioners shall constitute a quorum, and the mayor shall be entitled to a vote as a commissioner. Regular meetings. Special meetings. Meetings open to the public. Quorum. Mayor entitled to vote.

Sec. 53. At the first meeting of the board of commissioners, after the regular election of the members thereof, and before they qualify, each one shall file a bond with the city clerk in an amount not less than ten thousand dollars, conditioned upon the faithful, impartial, and honest discharge of their duties as commissioner as herein set forth. Bonds of commissioners.

Sec. 54. At the first meeting of the board of commissioners after the regular election of the members thereof, they shall elect a mayor *pro tem.* from among their members, who shall, in the absence or inability of the mayor to serve, perform the duties of mayor. Mayor pro tem.

Sec. 56. That at their first meeting after their election, or as soon thereafter as is practicable, the board of commissioners shall elect, by ballot, the following officers, to wit: a city treasurer, who shall be one of the commissioners other than the mayor, and who shall serve without further remuneration; a city attorney, city clerk, city engineer, superintendent of waterworks, chief of police, and keeper of cemeteries, who shall hold their respective offices at the will of the board. Officers to be elected by commissioners.

Sec. 57. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or a special meeting of which he shall have had notice, as prescribed in this act, he shall, unless excused by the board, forfeit and pay for the use of the city the sum of four dollars, which forfeiture shall be enforced by the mayor. Penalty for failure to attend meeting.

Sec. 58. The said board of commissioners shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city for the next fiscal year and apportion the same, together with any surplus left over to the general fund from the preceding year, as herein provided, to the several departments of the city government, reserving from said estimate not more than ten per cent of the Estimate and apportionment of revenue. Emergency fund.

total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpected portion of said reserve fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the said board shall deem advisable, and in order to enable the said board to properly make the apportionment hereinbefore required, the heads of each department of the city shall, at least ten days before said apportionment is made, furnish in writing to said board estimates in detail of the amounts needed for their respective departments, which estimates shall be considered by the board of commissioners in determining the amount apportioned to each department of the city: *Provided*, that any apportionment made by said board of commissioners to any department of the city may at any time be increased or reduced, or may be diverted from one department to another by a majority vote of all the members of the board: and *Provided further*, that if at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds of the city, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each quarter during the fiscal year each of the heads of the various departments of the city shall file with the board of commissioners an itemized report of all moneys received, and from what source, and disbursed by his department, and showing for what and to whom such money was paid, and same shall be published in itemized form in some daily newspaper published in Salisbury.

Surplus carried over.

Estimate in detail.

Heads of departments to submit estimates.

Proviso: alteration of apportionment.

Proviso: surplus to general fund.

Itemized reports filed and published quarterly.

Duties of city clerk.

Sec. 59. It shall be the duty of the city clerk to attend each meeting of the board of commissioners and to keep the minutes and records of all the proceedings of said board in well-bound books provided for that purpose, and to preserve all books, papers, and writings of all kinds committed to his care during his continuance in office and deliver them to his successor, and to account for and pay over all moneys which may come into his hands by virtue of his office; to keep the corporate seal of the city and to affix same when lawfully directed so to do; to act as clerk to each commissioner, and shall perform such other duties as may be required of him by this act or by the board of commissioners; and there shall be no allowance for additional clerks or stenographers.

No allowance for clerks or stenographers.

Moneys and securities to be delivered to city treasurer.

Sec. 60. The city treasurer shall call on all persons having in their hands any moneys or securities belonging to the city which ought to be paid and delivered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants signed by the mayor and countersigned by the clerk, who shall keep a full and complete record of all warrants passing through his hands and so signed by him. All moneys belonging to said city and received by any officer or agent thereof, from any source whatsoever, shall, unless otherwise herein

Authentication and record of warrants.

Money paid into treasury to be receipted for.

directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep, in books provided for that purpose, a full and correct account of all moneys received and disbursed by him, and shall render a statement of his receipts and disbursements to the board of commissioners at the first of each month, and at such other time as may be required of him by said board. Said board of commissioners shall have the right to require of the treasurer a new bond whenever, in their opinion, the existing bond is insufficient, and whenever such new bond is required, he shall perform no official act until said bond shall be given and approved in the manner aforesaid. That said board of commissioners may, in their discretion, select two or more banks of the county of Rowan as depository banks for the city of Salisbury, and after such banks be so selected as above provided, it shall then be the duty of said treasurer to make daily deposits of such sums of moneys as shall be received by him from all sources whatsoever to his credit as treasurer in two or more of said banks, and such depository banks, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of said city interest at a rate to be fixed by said board of commissioners, which said interest shall be payable at the end of each month, and shall be based on the daily average balances for the month: *Provided*, the rate of interest to be paid by said banks may at any time be changed by the board of commissioners. All interest paid by any such bank upon such balance shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general funds of said city, subject to its use for any legitimate or municipal purpose. The treasurer shall keep the funds and the accounts of the different departments of the city separate. Said treasurer shall do and perform such other acts as said board of commissioners may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his successor in office all the moneys, securities, and other property which are, or ought to be, in his hands by virtue of his office.

Books and reports of treasurer.

Renewal of bond.

Depositories.

Daily deposits.

Interest on deposits.

Proviso: change of rate.

Interest reported by treasurer.

Part of general fund.

Accounts kept separate.

Other duties of treasurer.

Final settlement.

Sec. 61. The commissioner of public accounts and finances of said city, in the collection of taxes, shall be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the board of commissioners, and he shall be charged with the sums appearing on the tax list as due for city taxes. He shall at no time retain in his hands over three hundred dollars for a longer period than seven days, under a penalty of ten per cent per month, to be paid to the city upon all sums

Powers and liabilities of tax collector.

Charged with taxes.

Penalty for retention of money.

Credit by uncollectible taxes.

so unlawfully retained. In the settlement with the commissioner of public accounts and finances he shall be credited with all poll taxes and taxes of personal property which the board of commissioners shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the board, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided.

Audit, settlement, and record of accounts.

After the accounts of said commissioner shall be audited and settled, the same shall be reported to the board of commissioners, and, when approved by them, the same shall be recorded in the minute-book of said board, and shall be *prima* facie evidence of correctness, and impeachable only for fraud or specified error.

Duty of city attorney.

Sec. 62. That it shall be the duty of the city attorney to prosecute and defend all suits for and against the city, to advise the mayor, board of commissioners, and all other commissioners, officers, agents, and departments of the city in regard to matters

To attend meetings and prepare papers.

connected with the city's business, and it shall be his duty, when required so to do, to attend the meetings of the board of commissioners, and to prepare such deeds, contracts, bonds, and other legal papers as may be required for the city's business.

Supervision and control of police force.

Sec. 63. The chief of police, acting under the commissioner of public safety, shall have the supervision and control of the police

Duties of chief of police.

force, and it shall be his duty to report to the commissioner of public safety any failure of duty on the part of any member of

Weekly settlements.

the police force, and at the end of each week he shall have a settlement with each policeman on account of penalties, fees, and

Enforcement of law.

costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced and to do all such things as may be required of him by the board

Reports to judge.

of commissioners or by the commissioner of public safety. He shall report any violation of law or the ordinances of the city to the judge of Rowan County Court, and a failure so to do shall be

Power of police.

a misdemeanor. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace

Territory subject to police power.

of the city; such power and authority to be exercised by them not only in the corporate limits, but within one mile outside thereof, and anywhere within Fulton Heights or North Carolina Public-service Fair Park, or on any rights of way, easements, or property of the city without the corporate limits thereof, and on the right of way of any street railway or extension thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes, and for the further purpose of suppressing disturbances and ap-

Execution of process.

prehending offenders. They shall execute all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and con-

stables have in the discharge of like duties, and may take bail for the appearance of defendants or any other persons charged with violation of law or of city ordinances, in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service, and shall also turn over to the city treasurer all money collected by them as witness fees in any and all courts. Power to take bail. Fees and settlements.

Sec. 64. The board of commissioners of the city of Salisbury shall make rules and regulations for the government and direction of the police of the city. In times of exigency the commissioner of public safety may appoint, temporarily, such additional policemen as shall be necessary, who shall take the same oath and be vested with the powers and subject to the same control as regular policemen. The board of commissioners of said city shall require the entire police force to wear badges, and to be so armed and uniformed as to be readily recognized by the public as peace officers. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury. Police rules and regulations. Additional policemen in emergencies. Badges, arms, and uniforms. General police powers.

Sec. 65. The keeper of the common jail of Rowan County is hereby required to receive into the common jail of said county, without a mittimus, any person taken up in the nighttime by police force, and to keep such person safely until the following morning, when such offender shall be brought out for trial, and for such services the jailer shall be entitled to have such fees as are allowed him by law in like cases: *Provided*, the city may provide and use a prison or calaboose for the confinement of prisoners as provided by law. Commitments to county jail. Proviso: calaboose.

Sec. 66. That the chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oaths shall be filed with the mayor and entered in the book with the oaths of the board of commissioners and other officers of the city. Police to be sworn.

Sec. 66 (*a*). The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote at the last preceding general election, demanding an election of a successor of the person sought to be re- Elective officers subject to removal. Procedure. Petition for election.

Statement of grounds for removal.
Signers to state residence.
Petition to be verified by oath.
City clerk to examine petition.
Certificate of examination.
Amendment if petition insufficient.
Examination of amended petition.
Petition returned without prejudice.
Petition submitted to commissioners.
Commissioners to order election.
Notice of and arrangements for election.
Law governing election.
Term of successor.
Candidate to succeed himself.
Candidate declared elected.
Incumbent removed from office.
Vacancy on failure to qualify.
Removal cumulative.
Officer recalled not eligible for appointment.

moved, shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statement therein made is true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if this certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay. If the petition shall be found to be sufficient, the board of commissioners shall, if the officer sought to be removed shall not resign within five days after the date on the clerk's certificate, order and fix a date for holding the said election, not less than thirty days or more than forty days from the date of the clerk's certificate to the board of commissioners that a sufficient petition is filed. The board of commissioners shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the person who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law. No person who has been recalled from an elective office, or who

has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation. No recall petition shall be filed against any officer until he has actually held his office for at least twelve months, and but one recall petition shall be filed against the same officer during his term of office. Limitation on power of recall.

TAXES.

Sec. 67. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the city, the board of commissioners of the city of Salisbury shall have the power, and they are hereby authorized, to levy and collect, for general and school purposes, an annual *ad valorem* tax on all real and personal property within the corporate limits of said city, and on all personal property, including money on hand and solvent credits owned by residents of said city, and on all other property subject to an *ad valorem* tax under the laws of the State of North Carolina, not exempt from taxation by the Constitution and laws of the said State, of and at the rate of not exceeding eight cents on the one hundred dollars valuation of said property, and for the purpose of paying interest on municipal bonds said board shall levy and collect an annual *ad valorem* tax on all property subject to taxation, as hereinbefore provided, of not more than fifty cents on the one hundred dollars valuation of said property. The term "real property," as used in this act, shall be construed to mean the same as defined in section one thousand eight hundred and fifty-seven of the Revisal of one thousand nine hundred and five, and the term "personal property," as used in this act, shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on October the first of each year, and a discount may be allowed by the board of commissioners for the payment of taxes as follows: For the payment of all taxes during the said month of October, three per cent; during the month of November, two per cent; during the month of December, one per cent; and for all taxes not paid prior to February the first following, the said board shall charge the following penalties, to wit: For taxes paid during the month of February, a penalty of one per cent; during the month of March, one per cent; and for each additional month, or fraction thereof, thereafter said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes.

Taxing power.

General and school tax.

Tax for interest.

Real property defined.

Personal property defined.

Taxes due and payable.

Discount for prompt payment.

Penalties for delay in payment.

Sec. 68. Said board may also levy and collect for general and school purposes a poll tax not exceeding one dollar and eighty cents, and for the purpose of paying interest on the municipal bonds of said city, poll tax not exceeding one dollar and twenty

General and school poll tax.

Poll tax for interest on bonds.

cents, said poll tax to be levied on the taxable polls of all male persons who may be residents of the city on the first day of May of each year.

Tax on dogs.

Sec. 69. That upon all dogs kept in the city, and which may be so kept on the first day of June of each year, said board may levy a tax not less than one dollar and not exceeding five dollars, and any dogs so taxed shall be the subject of larceny: *Provided*, that a discrimination within the limit above may be made by said board on the different species and sexes of dogs.

Proviso: discrimination of species and sex.

Ordinances for collection and assessment of taxes.

Tax lists.

Lists of delinquents.

Basis of assessment.

Bond of mayor and tax collector.

Bonds of other officers and employees.

Returns of property for taxation.

Collection by distress.

Proviso: taxes listed in May.

Proviso: verification of lists.

Proviso: computation of taxes.

Sec. 70. Said board of commissioners of the city of Salisbury shall have the power to provide all ordinances for the assessing and prompt collection of all taxes, and to regulate the manner, mode, and form of making out and swearing to tax lists or inventories and the appraisement of property in said city; said board of commissioners shall provide, by ordinance or otherwise, means for the collection of taxes in said city, and shall cause property to be listed for taxation which has not otherwise been listed as required by law; but the collection of taxes for city purposes shall be upon the basis of assessment for county and State purposes. That the board of commissioners of the city of Salisbury shall require of the mayor, who is also the tax collector of said city, a good and sufficient bond, in a sum not less than ten thousand dollars, to protect the city against loss; and may require of any and all officers and employees such bonds as they may deem necessary, and may pay the expense of providing such bonds, as also of the bond of the mayor. That said board of commissioners shall have the power to prescribe how and when property shall be returned, and shall also prescribe the number and form of assessment rolls and fix and define the duties and powers of the list taker, who shall be the city clerk, and shall adopt such measures and regulations and prescribe and enforce such penalties as it may deem advisable to secure the due and proper assessment of all property within the limits of the said city and the collection of the taxes thereupon. That if all of such taxes are not paid on or before the first day of April next following the listing of said taxes, the commissioner of public accounts and finances shall proceed to collect such taxes and penalties by distress and sale as provided by law: *Provided*, the time for listing property for taxation shall be during the month of May of each year: *Provided*, that the person, firm, partnership or copartnership liable for listing taxes within the city subscribe to the city list and swear to same before the township lister in absence of city clerk: *Provided further*, that after said listing has been finished the city clerk shall turn the assessment roll over to the commissioner of public accounts and finances, who shall proceed to compute the taxes as levied by the commissioners and prepare his tax list for collection.

Inquiry for delinquents.

Sec. 71. That the commissioners of public accounts and finances shall, after the most diligent inquiry, and by comparing his book with the county tax books, make out a list of all persons liable for poll tax, or for taxes on property, who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all the property not listed, and shall enter such persons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double taxes except on application to the board of commissioners and for causes shown.

Delinquent lists.

Double taxes.

Excuses from double tax.

Failure to list for taxation misdemeanor.

Sec. 72. That all persons who are liable for poll tax to the said city, and who shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it, or their trade, occupation, or profession within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the commissioner of public accounts and finances of said city to prosecute offenders against this section.

Punishment.

Duty to prosecute.

Levy of taxes.

Sec. 73. That as soon as the commissioner of public accounts and finances shall have furnished the assessment roll as provided, and the same shall have been revised by the board (if such revision is deemed necessary), the board of commissioners shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax lists in the hands of the said commissioner of public accounts and finances for collection.

Tax lists for collection.

Attachment of lien for taxes.

Sec. 74. The lien for taxes levied for any and all purposes in each year shall attach to all the real estate of the taxpayers within the city on the first day of May annually, and shall continue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien for taxes on the personal property of the taxpayer but from a levy thereon.

Lien on personal property.

License taxes.

Sec. 75. That in addition to the subjects listed for taxation, the said board of commissioners, for the purpose of raising revenue, may levy an annual license tax on the following subjects, the amount of which taxes shall be collected by the commissioner of public accounts and finances, and if not paid when due, the same may be recovered by suit brought in the name of the city, or the articles upon which the tax is imposed or any other property of the licensee may be forthwith distrained and sold to satisfy said tax, namely:

Itinerant merchants and peddlers.

(1) Upon all itinerant merchants or peddlers vending or offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured; and not more than one person shall peddle under a single license.

Tables for games.

(2) Upon every billiard table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand, or place for any other game or play, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with a hotel or restaurant, a license tax not exceeding one hundred dollars a year.

Retail liquor licenses.

Wholesale liquor licenses.

(3) Upon every permission by the board of commissioners to retail spirituous, vinous, malt, or intoxicating liquors of any kind, a license tax of one thousand dollars, and upon wholesale dealers in spirituous, vinous, or malt liquors, a license tax not less than two hundred dollars and not more than five hundred dollars.

Hotels and boarding-houses.

(4) Upon every hotel, a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant and eating-house, a license tax not exceeding fifty dollars; and the board of commissioners may levy the license taxes provided for in this subsection according to the size, patronage, or income of the hotels, boarding-houses, restaurants, and eating-houses.

Circus tax.

Tax on parade.

Side-shows.

(5) Upon every circus, company of circus riders or performers, by whatever named called, who shall exhibit or parade within the city, or in one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and not exceeding fifty dollars for a parade, and upon every side-show connected therewith, a license tax not exceeding twenty dollars, the tax to be paid before exhibition, and, if not, to be doubled.

Other shows.

(6) Upon every company or person exhibiting in the city, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be doubled.

Artificial curiosities.

(7) Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted), in the city, or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be doubled.

Plays, concerts, and strolling musicians.

(8) Upon each show or exhibition of any other kind, and on each concert for reward (unless for religious or beneficial purposes, and the commissioners to be the sole judges of the purpose of exemption) in the city, or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be doubled: *Provided, however*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed.

Proviso: plays in licensed halls.

Dogs brought into city.

(9) Upon every dog which may be brought into the city after the first of June, to be kept therein, a tax not less than one and not exceeding five dollars, for the permission to keep such dog in the city, which permission shall not extend further than the last day of May next ensuing.

(10) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars a year. Auctioneers.

(11) Upon every stock and bond broker, sewing-machine company, or agent for such company, dealer in or manufacturer's agent for musical instruments, keeper of sales stables, livery stables, or stock yards, doing business in the city, a license tax not exceeding twenty-five dollars a year. Miscellaneous business.

(12) Upon every person engaged in the business of posting, distributing, or tacking up bills, posters, signs, or advertisements of any kind, a license tax not exceeding fifty dollars. Bill-posters.

(13) Upon every building and loan association, oil agency, or shooting gallery, a license tax not exceeding twenty dollars. Building and loan associations, oil agency, and shooting galleries.

(14) Upon every street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance agent or agency, a license tax not exceeding ten dollars a year. Other miscellaneous business.

(15) Upon every telephone or electric light company, power company, street railway company, waterworks company furnishing water to the city or citizens, a license tax not exceeding one hundred dollars per annum. Public utility companies.

(16) Upon each marble yard, undertaker, plumber, or persons putting gas or water fixtures in houses or yards, a license tax not exceeding fifty dollars. Marble yards, undertakers, plumbers, and gas-fitters.

(17) Each barber shop, rope walker, itinerant dealer in lightning rods and stoves, every dealer in fertilizer, practicing physician, dentist, or surgeon, optician, oculist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, carriage, buggy, or wagon agent, or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory, tobacco factory, or tobacco warehouse, each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, persons selling jewelry or any other article having a prize given therewith, each printing office, each dealer in patent rights, and each lawyer or firm, a license tax not exceeding ten dollars. Other miscellaneous business.

(18) Upon every opera house or hall used for theatrical, musical, or other entertainment of like kind, a license tax not exceeding one hundred dollars. Opera houses and entertainment halls.

(19) Upon every bank or banker, each junk shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop, or foundry, a license tax not exceeding fifty dollars a year. Miscellaneous business.

(20) Upon every omnibus, hack, carriage, dray, baggage wagon used to transport persons, baggage, freight, or other articles for hire, a license tax not exceeding twenty dollars. Transfer business.

(21) Upon all commission merchants and commercial brokers, a license tax not exceeding ten dollars a year. Commission merchants and brokers.

Moving-picture shows.

(22) On moving-picture shows, a license tax not exceeding fifty dollars.

Moving pictures with vaudeville.

(23) On moving-picture shows in connection with vaudeville acts or on vaudeville shows alone, a license tax not exceeding one hundred dollars.

Pleasure and social clubs.

(24) On all pleasure or social clubs, a license tax not exceeding fifty dollars.

Skating rinks.

(25) On skating rinks, a license tax not exceeding fifty dollars.

Other trades and occupations.

(26) On any business, profession, trade, or avocation of any kind carried on in the city of Salisbury not hereinbefore enumerated, a license tax not exceeding five hundred dollars.

License year.

Sec. 76. That the license year shall begin on the first day of June of each and every year.

Graduation of tax.

Sec. 77. That the board of commissioners shall have the power to graduate any of the license taxes permitted in this charter, by dividing the business into classes according to size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class.

Proviso: taxes uniform in class.

Subjects of taxation.

Sec. 78. That in addition to the subjects enumerated in the foregoing, the said board of commissioners of the city of Salisbury shall, for the purpose of raising revenue, have power to tax all persons, firms, or corporations and all subjects of taxation which under the Constitution and laws of the State of North Carolina are taxable by the General Assembly for State and county purposes: *Provided*, such tax shall not exceed that levied annually on like subjects by the State and county for State and county purposes.

Proviso: limit of rate.

Posting of licenses.

Sec. 79. That the board of commissioners may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper.

Restrictive powers.

Sec. 80. That the board of commissioners of the city of Salisbury shall have the power to license, tax, regulate, restrict, prohibit, and remove any license, after being issued on the following businesses, viz.: For running billiard tables, bowling alleys or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made, for pawnbroker, for clubs of any kind, or for selling "near-beer," cider, or any other soft drink, of whatever name, containing one-half of one per cent or more of alcohol, but not in sufficient quantities to produce intoxication. Before issuing license as above, said board may require bonds from all applicants, conditioned as the board of commissioners may determine, with such sureties as the said board may approve.

Bonds on licensees.

Plumbers and electricians.

Sec. 81. Said board may regulate and license plumbers and those engaged in electrical wiring of buildings for light, power, or heat, and before issuing a license may require the applicant to be examined and to give bond in such sum and upon such condi-

tions as the board of commissioners may determine, and with such sureties as it may approve, and said board may, for incompetency on the part of such licensee or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder. License revocable.

Sec. 82. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said board. Doing work without license forbidden.

Sec. 83. That no license issued hereunder by said board shall be for more than one year, and same shall not be transferable or assignable except by the permission of the board of commissioners. License for one year not transferable.

Sec. 84. Any person carrying on or practicing any business, profession, trade, or avocation of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than fifty dollars or imprisoned not more than for thirty days. Doing business without license misdemeanor. Punishment.

Sec. 85. That no license shall be issued, as herein provided, before the license tax shall have been paid. Tax to be paid before issue of license.

STREETS.

Sec. 86. That when any land or right of way, either within or without the city, shall be required for the purpose of opening new streets, or widening, or changing those already opened, or sewer or water mains, or other objects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the board of commissioners, the same may be condemned and taken by the board of commissioners at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the board of commissioners and one by the owner or owners, or any of them, and in case these two do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified to do so, then it shall be the duty of the board of commissioners to appoint a disinterested freeholder to act on the part of said owner or owners, and in making said valuation, said freeholders, after giving the owner or owners or their agent notice, or giving ten days notice in a newspaper published in the city, in case such owner cannot be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also such benefit or advantage such owner may receive from the opening, widening, or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the board of commissioners, under their hands and seals, which report, on being confirmed by the board and spread upon their Condemnation of land for streets. Procedure for valuation. Report on confirmation to have force of judgment.

minutes, shall have the effect of a judgment against the city of Salisbury, and shall pass the title to the city of Salisbury of the land so taken, and the land may at once be taken and used by the city for the purpose intended: *Provided*, that if either the owner or owners whose land is taken under this paragraph, or the board of commissioners, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: *Provided, however*, that such appeal shall not hinder or delay the board of commissioners in opening, widening, or changing such street or making such improvement.

Proviso: right of appeal.

Proviso: appeal not to delay action.

Street and park regulations.

Sec. 87. That the board of commissioners of the city of Salisbury shall have the power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of said city and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit, and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate and control the use thereof by persons, animals, and vehicles; to prevent, abate, and remove obstructions, encroachments, pollution, or litter therein, and shall have under their government, management, and control all parks and squares within or without the city limits established by the board of commissioners for the use of the city.

Construction and repair of sidewalks.

Pavement of streets.

Proviso: petition for improvement.

Proviso: funds to be available.

Sec. 88. That every owner of a lot on a street, if so ordered by the board of commissioners, shall pave or repair, in such manner as the board of commissioners may direct, such sidewalk as far as it may extend along such lot; and shall also, if so directed by the board of commissioners: (*Provided*, that persons owning the greater portion of the street frontage on any one block, or more, in the city petition the commissioners to pave same: and *Provided further*, the city has on hand sufficient available funds with which to defray its one-third part of the cost of the paving), macadamize, pave, or otherwise improve one-third of the street adjoining, with such materials and in such a manner as may be required by the board of commissioners, and all work done under this section shall be done under the strict supervision of the commissioner of public works, and on the failure to do as directed within twenty days after written notice by the said commissioner or of the chief of police to said owner, or, if he is a nonresident of the county of Rowan, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the said commissioner for ten days in some newspaper published in Salisbury, calling on the owner to make such repairs, the board of commissioners or the commissioner of public works may cause the same to be repaired or improved as directed by the board, and the expense shall be paid by the

Work done by city on default of owner.

Expense a lien on lot.

person in default; said expense shall be a lien upon said lot, and if not paid within two months after completion of the work such lot may be sold, or enough of the same to pay such expenses and costs, by the commissioner of public accounts and finances of said city, under the same rules, regulations, and restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes: *Provided, however*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be a lien as herein provided, and collectible as provided above: *Provided further*, that if the property-owner should so elect, and give notice of the fact, in writing, to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which the said work is done up to the time when the same shall be due and collectible, which said time shall be the date on which the taxes are due and collectible, and in case of the failure or neglect of any property-owner to pay said installment when the same shall be due and collectible, then and in that event all of said installments shall at once become due; said property shall be sold as hereinbefore provided and said installments, interest and cost, be paid, and surplus, if any, paid to the owner: *Provided further*, that whenever the city has had any of the said work done it shall give the owner of the said abutting property ten days notice of the amount charged against his said property, and if the said owner is dissatisfied with the amount of the said charge he may give notice to the board of commissioners within ten days aforesaid that he takes an appeal to the next term of the Superior Court of Rowan County, and shall, within five days thereafter, serve statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions of law, and the said owner may in like time and manner appeal from any order or act of the board of commissioners made or done under this section, but said appeal shall not delay or stop the said improvements. In case of a street car line passing along any street, the street car company must pay for its full right of way.

Enforcement of collection.

Proviso: work done by city to secure uniformity.

Proviso: payment by installments.

Collection of installments.

Proviso: notice of amount of assessment.

Notice of appeal.

Trial on appeal.

Payment by street car companies.

Sec. 89. That the board of commissioners of the city of Salisbury shall have power to prohibit cellars or entrances to cellars under the sidewalks of said city, or any obstructions upon the streets or sidewalks thereof.

Cellars and cellar entrances.

WATER AND LIGHTS.

Sec. 90. That the city may own and maintain its own light and waterworks systems to furnish water for fire and other purposes,

Lights and waterworks.

No liability for damages.

and light to the city and its citizens, but shall in no case be liable for damages for a failure to furnish a sufficient supply of either water or lights.

Power to condemn property.

Sec. 91. That the board of commissioners shall have power to acquire and hold, in the name of the city, rights of way, water rights, and other property within and without the city limits, and the board of commissioners shall have power to condemn and take rights of way, easements, water rights, and other property within and without the corporate limits of the city for the purpose of getting, storing, maintaining, and furnishing a pure and adequate water supply, and of furnishing lights for the city and its citizens. That the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Proceedings for condemnation.

Supervision and control of system.

Sec. 92. That the said board of commissioners shall have entire supervision and control of the maintenance, improvement, and management of the said system, and shall fix such uniform rates for water as they think best. That said board of commissioners shall fix the time or times when said water rents shall become due and payable, and in case such rent is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water connections are made, and the same may at any time thereafter be collected, either by suit in the name of the city or by the collector of taxes for the city, by the sale of the property upon which said lien attaches, at the courthouse door in the city of Salisbury, after advertising the same for thirty days in some newspaper published in the city of Salisbury, and the said sale is to be made under the same rules and regulations, and subject to the same costs and penalties, and to the same rights of redemption as are provided in the charter of the city for the sale of real estate for taxes. That upon the failure of the owner of property for which water is furnished, under the rules and regulations of the said board of commissioners, to pay said water rents when due, then the said board of commissioners, or its agents or employees, may cut off the water from the said property, and when so cut off, it shall be unlawful for any person, firm, or corporation, other than the said board of commissioners or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without having first paid said water rent and obtained permission from the commissioner of public works or some officer in his department to turn on said water; and any person, firm, or corporation convicted of the violation of any of the provisions contained in this section shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Water rates.

Collection of water rents.

Lien on property.

Collection by sale of property.

Right to cut off connection.

Reconnection.

Violation of section misdemeanor.

Punishment.

Sale of unsound food and short weights and measures forbidden.

Sec. 95. It is hereby declared a misdemeanor for any person to sell or offer for sale in the city any unsound articles for food,

or articles of food short in weight or measure, or anything else short in either weight or measure, and any person convicted of any violation of this section shall be fined or imprisoned, in the discretion of the court. Punishment.

Sec. 95 (*a*). No action shall be instituted or maintained against said city upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to said board of aldermen, and said board of aldermen shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; the statute of limitations shall not begin to run until the expiration of the ten days from such demand or until refusal by said board to pay such claim: *Provided*, such demand shall be made in thirty days from the time the cause of action arose. No action to be instituted before demand and refusal. Statute of limitations. Proviso: demand within thirty days.

Sec. 95 (*b*). No action for damages against said city of any character whatever, to either person or property, shall be instituted against said city, unless within ninety days after the happening or infliction of the injury complained of the complainant, his executors or administrators, shall have given notice to the board of aldermen of said city of such injury, in writing, stating in such notice the date and place of the happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time or limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running. No action for damages before notice of claim. Statute of limitations.

SEWERAGE.

Sec. 96. That the said board of commissioners shall have power to provide, construct, establish, maintain, and operate a system of sewerage for the city and protect and regulate the same by adequate rules and regulations, and if it shall be necessary in obtaining proper outlets to the said system to extend the same beyond the corporate limits, the board of commissioners may condemn a right of way or rights of way to and for such outlet or outlets, and the proceedings for such condemnation shall be as herein provided for opening new streets and other purposes. Sewer system. Condemnation of rights of way. Proceedings for condemnation.

Sec. 97. That the board of commissioners may require all owners of improved property which may be located upon or near any line of said system of sewerage to connect with such sewerage all water-closets, bath-tubs, lavatories, sinks, or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer. Connection with sewers.

Sec. 98. That the board of commissioners may by ordinance provide for the removal, by wagons and carts, of all garbage, slops, and trash from the city, and, when the same is not removed by the Removal of garbage and trash.

private individual in obedience to such ordinance, may require the wagons and carts to visit the houses used as residences, stores, and other places of inhabitation in the city, and also may require all owners or occupants of such houses who fail to remove such garbage or trash from their premises to have the garbage, slops, and trash ready in convenient places and receptacles, and may charge for such removal the actual expense thereof.

Abatement of nuisances.

Sec. 99. That the board of commissioners, chief of police, and commissioner of public safety, or other officer or officers who may be designated for this purpose by said board, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything in the city limits, or within a mile of said limits, which is dangerous or prejudicial to the public health, and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Expense of abatement.
Expense a lien on premises.

FIRES AND FIRE DEPARTMENT.

Fire companies and fire department.

Sec. 100. That the board of commissioners shall have power to provide for the organization, equipment, maintenance, and government of fire companies and a fire department, and in its discretion may provide for a paid fire department, and for this purpose may create an officer of employments and fix their compensation as to the board may seem right and proper.

Paid departments.

Fire limits.

Sec. 101. That the board may establish and maintain fire limits in the city in which it shall be unlawful to erect, alter, and repair wooden buildings or structures or additions thereto; it may also prohibit the removal of wooden buildings or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Building regulations.

Destruction of buildings for arrest of fire.

Sec. 102. The board of commissioners may make rules and regulations governing the erection and construction of buildings in the city, so as to make them as safe as possible from fire; and in case of fire, the mayor, the commissioner of public safety, or any two members of the board of commissioners, may order the blowing up, tearing down, or destruction in any other way that may seem best of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, civilly or criminally, for acting in obedience to the orders thus given.

CEMETERIES.

Establishment, control, and maintenance of cemeteries.

Sec. 103. That the board of commissioners are authorized to purchase, lay out, and control cemeteries, to sell lots therein, beautify and maintain such cemeteries, and said board is further authorized to pay all expenses incurred, from proceeds drawn from the sale of lots and issuance of permits, and a separate cemetery

Cemetery account.

account is to be kept by the commissioner of accounts and finances. That any gifts hereafter made to and received by the city, or any of its officers, shall be held and used as a sacred trust fund for the purposes and upon the conditions named in such gifts or bequests, and any and all such funds shall be kept or invested separate, and shall not be used for any other purpose, or by the city in its other affairs. That the city treasurer shall keep a separate account of the cemetery funds, and a still further separate account of all special gifts or bequests made by persons for and in connection with the cemetery or cemeteries, and particular lots therein. The board of commissioners shall have the power to make rules and regulations and adopt ordinances for the carrying out of the duties imposed by this section.

Gifts for cemetery uses.

Investments.

Separate accounts.

Rules, regulations, and ordinances.

Sec. 104. That the provisions of section two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of the Revisal of one thousand nine hundred and five of North Carolina, shall apply to the city of Salisbury, where not inconsistent with the provisions of this act.

General law applicable.

Sec. 105. That for the election on the question of the adoption of the commission form of government for the city of Salisbury, to be held on the third Tuesday of March, one thousand nine hundred and thirteen, the registration books of said city shall be open, for the registration of any electors in said city entitled to register and whose names do not now appear on the registration books of said city, for ten days immediately preceding such election, Sunday excepted; and the board of aldermen of said city shall make provision for such registration in the manner now provided by law, except that five days notice published in some daily newspaper in said city previous to the opening of such registration books shall be sufficient.

Election on adoption of form.

Date.

Registration.

Notice of registration.

Sec. 106. That on the third Tuesday in March there shall be held in the city of Salisbury an election at which all voters who are then registered and qualified to vote shall be entitled to vote for the purpose of determining whether it is the will of such voters that the foregoing shall become law applicable to the city of Salisbury. That the election shall be advertised by the board of aldermen for twenty consecutive days prior to the holding of such election. Such advertisement shall be inserted in each daily newspaper published in the city of Salisbury. That such election shall be conducted in all things as are elections for mayor and aldermen under the present law, as nearly as may be.

Date for election.

Question to be submitted.

Advertisement of election.

Law governing election.

Sec. 107. That at each voting place in said city, at such election, there shall be provided one box in which each person entitled to vote may deposit one ballot. That those wishing to vote that the foregoing provisions shall become law applicable to the city of Salisbury may vote a ballot upon which there shall be written or printed the words "For Commission Form of Government," and each of those wishing to vote against the foregoing provisions be-

Ballot boxes.

Ballots.

coming law applicable to the city of Salisbury may vote a ballot on which shall be printed or written the words "Against Commission Form of Government."

Count of votes and certificate of result.

Sec. 108. That the election officers for each precinct, within six hours from the time the polls are closed in this election to determine the question as to whether the foregoing provisions shall become law, shall count the ballots and certify the result to the

Canvass of returns and declaration of result.

mayor and board of aldermen. The mayor and board of aldermen shall, within twenty-four hours, examine such certificates and formally declare whether a majority of the qualified voters have voted "For Commission Form of Government" or "Against Commission Form of Government," the qualified voters not voting declared as voting against commission form of government, and

Record of result.

spread upon their minutes the record of their determination; and

Effect of election.

if it shall appear therefrom that a majority have voted "For Commission Form of Government," the foregoing sections of the proposed charter and laws shall at once become effective and the law applicable to the city of Salisbury, North Carolina, as if unconditionally passed by the General Assembly of North Carolina.

Failure in duty a misdemeanor.

Sec. 109. That if the mayor or any of the aldermen of the city of Salisbury shall fail to perform any of the duties imposed upon them relative to holding elections provided for by this act, they and each of them so neglecting shall be guilty of a misdemeanor, and

Punishment.

fined or imprisoned in the discretion of the court, and shall also

Penalty.

be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund and one-half to the party who shall sue for same.

When act effective.

Sec. 110. That this act shall be in force and effect from the date of declaring carried the election "For Commission Form of Government," in the manner above set out.

Laws not repealed or affected.

Sec. 111. That nothing in this act, if adopted at said election, shall be construed as repealing or in any way affecting any act of the General Assembly of North Carolina or the ordinances of the city of Salisbury, authorizing, validating, or in any way relating to any bonds of the said city of Salisbury that have heretofore been issued or which may hereafter be issued by said city of Salisbury under and by virtue of any act heretofore passed:

Proviso: powers and duties of present government.

Provided further, that nothing in this act, if passed as aforesaid, shall be construed in any manner as affecting the powers and duties of the mayor and board of aldermen of the city of Salisbury under the present laws and ordinances, prior to the election and qualification of the board of commissioners provided for in this said act, when such existing laws and ordinances are not in conflict with the provisions of this act.

Account with waterworks.

Sec. 112. That it shall be the duty of the board of commissioners, if elected, and of the tax collector and treasurer, and of the commissioner who is tax collector, and of the commissioner who is treasurer of Salisbury, to keep a separate statement and account

of the money received by the city of Salisbury from the waterworks system; and it shall be the duty of the said board of commissioners to give preference to the waterworks system over the other departments of the city in such funds, and to provide for the upkeep of the waterworks system and an amount necessary for the enlargement of the waterworks system before turning over to other departments the money so received. Use of receipts from waterworks.

Sec. 113. That each member of the board of commissioners, if elected, shall devote his time and attention to the performance of the public duties to the exclusion of all other occupations, professions, or callings. Commissioners to give exclusive attention to work.

Sec. 114. That the board of commissioners, if elected, for the city of Salisbury, shall not have power to create or contract any indebtedness for necessary purposes or any other purposes in any amounts which cannot be paid off and discharged out of the current revenue for the then ensuing year, unless such authority is authorized by a majority of those voting at an election to be held, submitting such question to the voters of the city of Salisbury, which said election is to be held in the manner provided by said act, and a failure to comply strictly with this section shall be a misdemeanor. At such election those favoring the contracting of such debt may vote "For Contracting Debt," and those opposing such may vote "Against Contracting Debt." The question of contracting a debt may be submitted by the board of commissioners to the qualified voters of the city of Salisbury at a special or a general election, and at such election a box shall be provided in which only the votes for and against the contracting of such debt shall be placed. The election shall be held under rules and regulations to be prescribed by the board of commissioners, except such regulations shall not be in conflict with this act, and the purposes for which said debt is to be contracted shall be declared and made a matter of record by the board of commissioners. Such election and the purposes for which such debt is desired to be contracted shall be advertised by the board of commissioners in some daily newspaper published in the city of Salisbury for at least ten days immediately prior to the holding of such election, and the officers to hold such election shall be appointed and shall act as is provided for other city elections; and the result of the election shall be certified by the election officers to the board of commissioners as is provided for the certification of the result of other elections, and such result shall be entered upon the records of the board of commissioners; and if a majority of those voting favor the contracting of such debt, the said board of commissioners is hereby authorized to contract the same to the amount authorized, or any part thereof. Limitation of power to incur debt. Question to be submitted to voters. Misdemeanor. Ballots. Special or general election. Law governing elections. Advertisement of election. Certificate of result. Record of result. Majority of votes cast to decide result.

Sec. 115. That all sections of the city charter of the city of Salisbury as enacted by General Assembly of one thousand eight hundred and ninety-nine, and all subsequent amendments not in Laws constituting part of charter.

conflict with this act, are to remain in full force and effect and constitute a part of the charter of the city of Salisbury.

Sec. 116. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 253.

AN ACT TO GRANT A NEW CHARTER TO THE TOWN OF RUTHERFORDTON, RUTHERFORD COUNTY, NORTH CAROLINA, REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. *Corporate Name.* That all the inhabitants of the town of Rutherfordton, Rutherford County, North Carolina, as the boundaries and limits of the said town are herein established or may be hereafter established, shall continue to be a body politic, incorporated under and to be known by the name and style of the "Town of Rutherfordton," with such powers, rights, and duties as are herein provided.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. *Boundaries.* That the boundaries and limits of said corporation shall be, and that the said town shall embrace the territory within the following described lines and boundaries, and the said lines and boundaries shall be the corporate limits of the said town of Rutherfordton, viz.: Beginning at a stake in C. M. Lynch's field, two hundred and four poles south twelve and one-half degrees west from the courthouse door at Rutherfordton, and runs thence north sixty-one and one-half degrees east two hundred and sixty poles to a stone on the top of the ridge; thence south seventy-four and one-half degrees east one hundred and thirty-two poles to the center of the Seaboard Air Line Railroad track at the old Dickerson house; thence north fifteen and one-half degrees east one hundred and six poles to a stake in the old field; thence north seven and one-half degrees west to a point opposite where Green Street crosses the Southern Railway track or roadbed in the new line of the town of Hampton; thence with the new line of the town of Hampton south or southwest to a stake on the northwest side of Green Street, one hundred and fifty yards from the said Southern Railway track or roadbed; thence with the new line or boundary of the town of Hampton to the northwest side of said boundary at a point a little southwest of Carpenter, Taylor & Co.'s manufacturing plant where said Hampton boundary line is intersected by the survey made by John Wood, surveyor, on January ninth, one thousand nine hundred and seven; thence south fifty-three degrees west with said survey to pointers on the

east side of the hill about the middle of Dr. T. B. Twitty's eleven-acre tract of land on the west side of the Hickory Nut Road; thence south fourteen degrees west, running a little east of New Hope Avenue, one hundred and ninety-six poles to a stake in the old Cooper Gap Road, in the middle of said avenue; thence north eighty degrees west with Old Cooper Gap Road twenty poles to a small pine; thence south eighteen and one-half degrees west, passing a little east of Jim Snyder's house, one hundred and eighty poles to a stake in the old field in Sam Allen's land; thence south seventy-three degrees east, one hundred and ninety poles to the beginning: *Provided*, that the town council shall have the power from time to time, by ordinance, to cause a division of said town to be made into as many wards as they may deem necessary for the good of the inhabitants of said town.

Proviso: town council may establish wards.

Sec. 3. *Platting of Property.* That should any property lying within the town limits as established by this act or as hereafter established be hereafter platted into blocks or lots, then and in that event the owners of said property shall plat and lay off the same to conform to the streets and lots abutting on same, and shall file with the mayor a correct map of same: *Provided*, that in no case shall the town of Rutherfordton be required to pay for any of said streets, at whatever date opened, but when by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the town of Rutherfordton for use as public highways, and when opened shall be cared for as such.

Subdivisions of land to conform to streets.

Map to be filed.

Proviso: streets donated to town.

Sec. 4. *Corporate Powers.* (1) The town of Rutherfordton, made a body politic and corporate by this act, shall have perpetual succession, and may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places, and in all matters whatever; may take, hold, and purchase land as may be needed for the corporate purposes of said town, including the right to acquire property for electric lights and waterworks, and for water supply, to include source of same, together with watershed and suitable water-power for generating electricity for said electric light plant, and may acquire by purchase any real estate necessary in connection therewith, or may by condemnation acquire all of the aforesaid rights and also rights of way which may be necessary for the erection of poles, wires, etc., and also for the purpose of laying pipes, sewer lines, etc., and shall have the power of eminent domain and the right to condemn private property when necessary to carry into effect the provisions of this act; and may sell any real estate and personal property owned by it; and render all public services when deemed expedient; and shall have power to open, change, widen, or discontinue streets, when promotive of the interest of the public; and shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for,

Enumeration of corporate powers.

Lights and water.

Purchase and condemnation of real estate.

Public service.

Powers as to streets.

sell, pave, supervise, maintain, improve, establish, and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close the same; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals, and vehicles, in whatever way or for whatever purpose; to prevent, abate, and remove encroachments, obstructions, pollutions, or other litter therein; to open new streets and highways, and when necessary and generally to make and enforce any and all regulations in respect thereof in the judgment of the council requisite, proper, or expedient to promote and insure the health, safety, and convenience of the inhabitants or property and public of said town.

Traffic regulations.

Establishment or change of streets.

(2) When the board of commissioners shall determine to open a new street or to change any street already opened they shall select five disinterested freeholders of said town to lay out such new street or to change existing streets, who shall, when notified, at once proceed to locate the new and make such changes in the old streets as may have been determined upon by the said board, and assess such damages as may be sustained by the owners of the property to be affected thereby, taking into consideration, in estimating said damages, the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street. The said freeholders shall make, within five days of the notice of their selection as a jury, a full written report of their actions and their findings to the board of commissioners, who shall cause the same to be published in some newspaper having a general circulation in Rutherford County at least once for four successive weeks from the time of making said report, or in lieu thereof they may serve a copy of said report upon the property-owners affected thereby. Any person interested may within ten days after the last publication of said notice as before provided, or within ten days after actual service of a copy of said report as hereinbefore provided, file with the secretary of the said council written exceptions to said report, and the council shall fix a time certain, within five days from filing of such exceptions, for hearing and determining the same, and if said report shall upon such hearing be confirmed by said council, one day's notice of which hearing shall be given the parties interested, any person affected by said report and confirmation may within ten days of such confirmation appeal to the next term of the Superior Court of Rutherford County by filing a bond in a sum not exceeding two hundred dollars ($200), the amount to be fixed by the mayor, and give such notice to the town council of

Assessment of damages.

Report of assessment.

Notice of assessments.

Exceptions to report.

Hearing on exceptions.

Right of appeal.

Bond on appeal.

said town as is required by law in cases of appeal from justices' courts, and such appeal shall not stay nor impede the progress of such improvement: *Provided*, that no interference with property so condemned or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered to the party aggrieved, or his agent; in case of his failure or refusal to accept the same, the same shall be deposited with the clerk of the Superior Court of Rutherford County, to abide the result of the appeal then pending.

Appeal not to stay action.
Proviso: payment or tender of damages.
Money paid into court.

Sec. 5. *Officers.* All powers conferred on the town of Rutherfordton and the administration of the government of said town shall be exercised by and vested in a principal officer styled the mayor, and four commissioners, who shall be designated as the town council, the said mayor and commissioners to be elected biennially and at the times provided for in the general laws of the State. The town council shall have the power to make all necessary rules and regulations concerning elections and the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and in harmony with the Constitution and laws of the United States and the Constitution of North Carolina, and in the absence of the exercise of this power by the town council, all elections shall be held in accordance with the provisions of the general laws of the State for the holding of elections by municipalities.

Town council.
Election of mayor and commissioners.
Rules and regulations for elections.
Accordance with general law.

2. The mayor and council, together with such subordinate officers as they may from time to time elect or appoint, shall have all powers, privileges, and emoluments, and shall be subject to all forfeits, pains, and penalties granted, provided for, and imposed, by the general laws of the State appertaining or referring thereto, not in conflict with the provisions of this act. The mayor shall be *ex officio* president of the said council and shall have and exercise all the powers incident to his office, and shall have the right to vote in all cases where there is a tie in the vote of the town council.

Powers, privileges, and liabilities.
Mayor ex officio president.
Vote in case of tie.

3. The present mayor and board of commissioners of the town of Rutherfordton shall hold their office until the next general election to be held the first Tuesday after the first Monday in May, and shall have all the powers granted them by the general law of the State, and also by the provisions of this act after the passage of same, until their successors are elected and qualified, who shall succeed to the same rights and obligations.

Present mayor and commissioners.

4. It shall be the duty of the town council to elect at their first meeting after their election and qualification, a mayor *pro tem.*, and in case of death, absence, resignation, or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur for any reason, the mayor *pro tem.* shall act as mayor, and shall possess all rights and powers of the mayor and perform all the duties and receive his salary, under the official title, however.

Mayor pro tem.
Council to fill vacancy.

of "mayor *pro tem.*," until his successor is elected and qualified, which election shall be by the town council for the purpose of filling the said vacancy as soon as practicable after same occurs.

Removal of mayor for cause.

5. In case of misconduct, inability, or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the town council by a majority vote of all members of same, but shall be given an opportunity to be heard in his defense, in person and by counsel, and shall have the right to have process issued to compel the attendance of witnesses.

Mayor to approve and sign ordinances.

6. All ordinances and resolutions of the town council, before same take effect, shall be approved and signed by the mayor, but it shall be his duty to approve and sign same whenever the same have been passed by a majority vote of the council.

Quorum.

Meetings open.

Journals public.

Ordinances, resolutions, or motions spread on minutes.

7. A majority of the members of the council shall constitute a quorum to do business, and shall sit with open doors and shall keep a correct minute or journal of their proceedings, which likewise shall be public. All ordinances, resolutions, or motions passed or adopted shall be spread upon the minutes, to be kept by the secretary of the council.

Officers and committees to be appointed by council.

8. The town council of the town of Rutherfordton shall have power and it shall be their duty to appoint a town marshal or town marshals, police officers, superintendent of waterworks and lights, street committees and other committees, and such other subordinate officers and committees as the necessities of the case may require from time to time, and to prescribe the terms of their offices, their duties, and fix their salaries or compensation.

Terms of office, duties, and salaries.

Annual publication of receipts and disbursements.

9. The town council of the town of Rutherfordton shall publish annually a detailed, full and complete statement of the receipts and disbursements of the said town.

Mayor and commissioners to qualify.

10. Before entering upon the duties of their office, the mayor and each member of the council shall take and subscribe an oath of office which shall include the oath to support the Constitution of the United States, the Constitution of the State of North Carolina, and in addition thereto, that they will faithfully, honestly, and impartially discharge the duties of their office, which oaths of office shall be written and prescribed in a book kept for that purpose.

Record of oaths.

Monthly meetings of council.

11. It shall be the duty of the town council to meet at least once in each month, which meetings shall be held on the first Tuesday night after the first Monday in each month, unless otherwise, for good cause, changed by the mayor. Special meetings may be called by the mayor, or upon his refusal to do so, by two members of the council at any time for the purpose of considering such matters as may be mentioned in the call.

Special meetings.

Time for tax levy.

Tax lists.

12. The town council at its first meeting in the month of August of each year, or as soon thereafter as is practicable, shall levy the annual tax for such year, which levy may be based upon the tax list of the preceding year if for any reason the tax lister shall fail

to make his returns of the taxes for the present year by said date, but special taxes or assessments allowed by this charter may be levied, assessed, and collected at such times as the council in each case may prescribe. The town council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied, and imposed under this charter, and are hereby authorized and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing, and collecting of any taxes provided for in this charter. Unless otherwise provided by this act and by ordinances passed thereunder, all property in such town liable to taxation shall be assessed in accordance with the provisions of the general laws of the State, in so far as is applicable.

Special taxes or assessments.

Ordinances for collection of taxes.

Ordinances for levy of taxes.

Assessments governed by general law.

13. The town council shall have the management and control of the finances of the town, except as otherwise herein provided. They shall have the right and power to appropriate money and provide for the payment of debts and expenses of the town; to provide by ordinances or resolutions special funds for special purposes provided under the provisions of this charter, and to make the same disbursable only to said purposes, and to impose proper penalties for enforcing the same; to provide by ordinance or resolution for the payment of any existing and outstanding indebtedness and for the payment of any bonds that may from time to time be issued or which have previously been issued. The town council shall also have the power to fund or refund by ordinances or resolutions the whole or any part of the existing debts of the town without submitting same to a vote of the citizens of the town, and any future debts without submitting same to a vote of the citizens of the town, if said debts were contracted for necessary expenses of the town, by acquiring and canceling the evidences thereof, and to issue bonds in lieu thereof, either registered or coupon bonds, bearing interest at a rate not greater than six per cent, and to this end may apply any sinking fund belonging to any series of bonds to refund it, and may pay and retire any bond by using the sinking fund thereof.

Management and control of town finances.

Appropriations for debts and expenses.

Special funds for special purposes.

Payment of debt and bonds.

Power to fund or refund debt.

Limit of interest rate.

14. If a vacancy should occur in the town council, the remaining members of the council shall elect some person to fill the unexpired term of such office.

Vacancies filled by council.

15. The town council of the town of Rutherfordton are empowered and it shall be their duty, at their first meeting after their election and qualification, or as soon thereafter as is practicable, to elect a town attorney and a town secretary and treasurer, and fix their salaries and prescribe the term of their office and specify their duties, and the amount of bond to be required by the said treasurer.

Officers to be elected by council.

Salaries, terms, duties, and bonds.

Sessions of mayor's court.

16. The mayor shall convene court at ten o'clock on each day, except Sunday, whenever necessary for the purpose of trying actions or suits brought before him: *Provided*, that he may convene court at any other hour when deemed necessary by him.

Proviso: hour for convening court.

Mayor to deputize citizen in absence of officer.

17. That the mayor shall have the power to deputize any citizen to execute his warrants in the absence of an officer, and shall also have the power to issue his warrants for the arrest and apprehension of offenders against the law without complaint upon oath, when the offense for which a person is to be arrested is committed in the presence of the mayor.

Warrants without complaint.

Punishments.

18. That for the violation of any ordinance or by-law made by said council, they may prescribe penalties not to exceed a fine of two hundred dollars ($200), or imprisonment for ninety (90) days, for each offense. The mayor shall have the power to either fine or imprison, in his discretion, persons convicted before him of offenses over which he has jurisdiction, and any such person so convicted when sentenced to a term of imprisonment by the mayor, or upon his failure to pay the fine and cost imposed by the mayor for such offense, may be imprisoned in the calaboose or jail for the term specified in the order of the court, not to exceed the term of ninety days, and such person so imprisoned may be required to work on the streets of the town of Rutherfordton, or upon the public roads of Rutherfordton County, or hired out by the council during the term of his said imprisonment.

Discretion of mayor.

Imprisonment.

Convicts to be worked on streets or hired out.

Powers of police.

19. The town marshal or police, or any subordinate officer of like kind, shall have the right to make arrests in any part of the county of Rutherford under a warrant issued by the mayor for any violation of the town laws.

Council to require and define duties of officers.

Compensation.

Qualifications.

20. The town council shall have the power from time to time to require further and other duties from all officers whose duties are herein prescribed, and to describe and define the powers and duties of all officers elected to any office under this act whose duties are not herein specifically mentioned, and to fix their compensation, and prescribe the qualifications of members of their council, the mayor and other officers of said town; and the mayor and mayor *pro tem.* are authorized to administer oaths in the municipal affairs of the town. The council shall also require bonds to be given to the town by such officers as they may deem proper, for the faithful performance of their duties, and may require new bonds to be given by such officers whenever, in their judgment, the existing bond is insufficient. Failure or refusal on the part of any such officer to execute such bond shall be sufficient ground for his discharge by the council. All officers appointed by the council shall hold their terms only till the expiration of the term of such council, and any vacancies filled by the council shall be filled only for the unexpired time.

Mayor to administer oaths.

Bonds of officers.

Discharge for failure to give bond.

Terms of office.

Vacancies.

Protection of health, life, and property.

21. The town of Rutherfordton shall have the power to enact and enforce all ordinances necessary to protect health, life, and

property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order, and security of the town and its inhabitants; to protect the lives, health, and property of all the inhabitants of said town, and to enact and to enforce any and all ordinances upon any subject: *Provided*, that no ordinance shall be enacted contrary to the provisions of this charter or inconsistent with the Constitution and laws of the United States or the Constitution of North Carolina: and *Provided further*, that the specifications of particular powers shall never be construed as limitation upon the general powers herein granted, or given the town of Rutherfordton as a municipality by the general laws of the State, it being the intention of this act to bestow upon the said town full powers of self-government. All ordinances of the town when printed and published and bearing on the title page thereof the words "Ordained and published by the town council of the town of Rutherfordton," or words of like import, shall be *prima facie* evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

Abatement of nuisances. Enforcement of good government.

Proviso: ordinances to conform to charter and general law.

Specifications not construed as limitations.

Printed ordinances received without further proof.

22. When it shall be necessary for the preservation of public peace, good order, or common decency or the protection of life, liberty, person, or property of individuals, the town marshal or other arresting officers of said town shall have power, and it shall be the duty of such officers, to arrest the body of the offending parties who have violated the law in the presence of such marshal or other arresting officer, without warrant, and to take them as early as practicable before the mayor, to be dealt with as the law directs; and if necessary, the marshal or other arresting officer shall have power to call to his aid any bystander to assist in any legal arrest, and any one so summoned or called who refuses or fails to assist shall, upon conviction before the mayor, be punished as prescribed by the ordinances and laws of said town.

Arrests without warrant.

Trial.

Power to summon posse.

Punishment for refusal.

23. Said town shall also have the power to condemn as nuisances all buildings, cisterns, wells, privies, hogpens, or other buildings in the town which on inspection shall be found to be unhealthy, unsanitary to persons or property, and to cause the same to be abated or removed at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the council, shall reconstruct the same in such a manner as shall be prescribed by the laws of the town; and when any building in the town from any cause shall become a nuisance on account of its liability to fire or from insecure foundation or imperfect construction or any other cause, rendering it dangerous, or being the abode of immoral and indecent or illegal business or conduct, or offensive to the senses, the town council shall have power to remove or destroy same when necessary to abate such nuisance, and they shall likewise have the power at all times to prevent the erection or construction of such buildings.

Power to condemn and remove nuisances.

Expense of removal on owner.

Buildings subject to condemnation as nuisances.

Sanitary powers.

23 (*a*). The town council shall have power and control over all alleys, lots, cellars, privies, stables, wells, cisterns, and other places of like character within the corporate limits of said town, and shall have the power to cause same to be kept clean, decent, and in a sanitary condition.

Fertilizers and disagreeable, dangerous, and explosive substances.

24. The town council shall have power to control and direct the manner and place in which commercial fertilizers or any other disagreeable commodity or any dangerous or explosive substance shall be stored or kept within the corporate limits of said town.

Live stock.

They shall likewise have power to make such laws, rules and regulations as may be necessary relative to hogs, cattle, dogs, or other live stock which may be kept within the limits of said town.

Ordinances for construction of sidewalks.

Sec. 6. *Sidewalks.* The town of Rutherfordton may by appropriate penal ordinances compel the construction and laying of sidewalks by property-owners in front of or abutting on their land or property, and may prescribe the character of such sidewalks and the manner in which same shall be laid, and the penalties to be incurred for violation of such ordinances. Should any person or corporation owning lands in the town of Rutherfordton fail to construct sidewalks in front of or abutting on their property in accordance with the ordinances passed by the town of Rutherfordton, in addition to the penalty provided for herein, the town of Rutherfordton shall have the right to have said sidewalks constructed in accordance with such ordinance, at the expense of the abutting property-owner, and may recover a personal judgment in any court having jurisdiction of the amount for the cost and expense in constructing said sidewalks: *Provided*, the town shall first establish a reasonable grade and place a curbstone at the expense of the town.

Requirements for sidewalks.

Penalties.

Right of town to construct sidewalks.

Recovery of expense.

Proviso: grade and curbstones.

Property and property rights vested in town.

Sec. 7. *Real Estate, etc., Owned by the Town.* All real estate owned in fee-simple title or held by lease, sufferance, easement, or otherwise; all public buildings, schoolhouses, fire-engine stations, transformer stations, guard-houses, calabooses, public squares, parks, streets, alleys, and all property of whatever kind, character, and description which has been granted, donated, purchased, or otherwise acquired by the town of Rutherfordton through any means or agency, or any property of whatsoever kind which at any future time may and in any manner be acquired by the said town, and all causes of action, rights or privileges of any kind and character, and all property of whatsoever character or description which may have been held and controlled by the said town of Rutherfordton for public uses shall vest in and remain in and inure to the said corporation, the town of Rutherfordton, under this act; and all suits and pending actions to which the town of Rutherfordton heretofore was and now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act.

Suits and pending actions not affected.

Sec. 8. *Waterworks and Electric Lights.* The town of Rutherfordton may buy, own, construct, establish, maintain and operate a system of electric lights, sewerage, and waterworks; make, regulate, and establish public wells, pumps, cisterns, hydrants, reservoirs, stations and standpipes anywhere within the said town or beyond the limits thereof for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unsanitary waste of water or any injury to said waterworks or light system, and may pass ordinances for the condemnation of property for the purpose of establishing, enlarging, or maintaining a system of waterworks, electric lights, and sewerage, whether within or without the limits of the said town, conforming the mode and manner of said condemnation proceedings to the rules now prescribed for condemnation of land by railway companies, and may adopt rules and regulations for the management of the waterworks and sewerage systems and electric light plant, and to make and establish a schedule of rates and toll for same, and prescribe the mode and manner of connections therewith and of the construction of surface pipes, alley laterals and house connections with the water main, sewerage pipes, or electric light wires. They shall likewise have full power and authority to take such steps as they may deem necessary to improve or preserve the purity of the water supply for said town, or any other stream or source from which the town may hereafter obtain its supply of water.

Lights, sewerage, and waterworks.

Protection of plants.

Ordinances for condemnation of property.

Proceedings for condemnation.

Rules and regulations for management.

Rates and tolls.

Connections and construction.

Improvement and preservation of water supply.

Sec. 9. *Sewer Connections.* The town of Rutherfordton may require all owners, tenants, and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the town may construct, own, or control, or that it may acquire by purchase or otherwise, to connect with said sewer or sewerage system all water-closets, sinks, or drains located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether said system is constructed by the town or is acquired by it by purchase or otherwise: *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the town to make sewer connections or do any other thing of which the town council has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement, if the primary obligation to do the same was on the landlord, said lien to be enforced by competent proceedings by any court of competent jurisdiction; and the tenant or occupant may, when so entitled under the general principle of set-off, use such claim against his claim for liability for rent.

Enforcement of sewer connections.

Proviso: tenants to have lien for reimbursement.

Enforcement of lien.

Claim used as set-off.

Sec. 10. *Fires and Fire Limits.* The town of Rutherfordton shall have power to provide means for the protection against and extinguishing of conflagrations, and for the regulation, main-

Fire department.

Fire limits.

tenance, and support of a fire department; and for the purpose of guarding against the calamity of fires may prescribe fire limits, and may regulate or prohibit the erection, building, placing, or repairing of wooden or other dangerous buildings within such limits of said town as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden building from one place to another within the said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinances as fire limits shall be made or constructed of fire-proof material, the kind and character, extent and quality of which may by ordinance be prescribed and fixed; also may prohibit the repairing of wooden buildings in the fire limits when the same shall have been damaged or become dilapidated, and may also declare all dilapidated buildings to be nuisances, and direct the same to be repaired or removed or abated in such manner as the council may prescribe, and declare all wooden buildings in the fire limits which they may deem dangerous to contiguous buildings, or which may cause or promote fire, to be nuisances, and cause the same to be removed in such manner as may be required, at the expense of the owner, and may further prescribe limits within which only a fire-proof roofing may be used, and may prescribe penalties and impose same for violations of such rules and regulations.

Removal of wooden buildings.

Repair of wooden buildings.

Buildings subject to condemnation as nuisances.

Fireproof roofing.

Penalties for violation of regulations.

Establishment of town prison.

Sec. 11. *Town Prison.* The town of Rutherfordton shall have power to establish, erect, and maintain a town prison for vagrants, town convicts, and disorderly persons, and may acquire land by purchase or otherwise upon which to erect said prison or calaboose.

Burial grounds and cemeteries.

Sec. 12. *Health.* The town of Rutherfordton shall have the power to regulate burial grounds and cemeteries and to prohibit burial within the corporate limits of the town, if deemed advisable or found necessary to protect public health, and to condemn and close burial grounds and cemeteries within the town when demanded by the public interest or health of said town; but in case the council should prohibit the burial of the dead within the corporate limits, then in that event they shall provide a suitable cemetery outside the corporate limits to be used for burying the dead, and they shall have power to make such rules and regulations governing same as they may see proper. And the town council of the town of Rutherfordton shall have authority and power, whenever they deem it expedient to do so, to condemn land for cemetery or burial purposes, which may be done in the same manner as is prescribed for other condemnation proceedings by the terms of this charter, which lands may be located either within or without the corporate limits of the said town. The town council of the town of Rutherfordton shall have power to pass such suitable rules

Condemnation and close of cemeteries in town.

Establishment of cemetery.

Power to condemn land.

Proceeding for condemnation.

Burial regulations and charges.

and regulations concerning the burial of the dead in the cemeteries of the town and make such charges for the burial of the dead therein as may be deemed proper by the town council. The town shall have full power to acquire property lying within or without the corporate limits to be used for cemetery purposes, and same may be acquired by purchase, gift, or will for such purposes.

Property for cemetery purposes.

2. The town of Rutherfordton shall have the power to authorize the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious or dangerous disease, when the public health requires the destruction of same, and may also in the same manner authorize the destruction or removal of buildings or other objects after the same shall have been declared a nuisance and to be dangerous to health or lives of the citizens of the town.

Destruction of infected personal property.

Destruction of buildings declared nuisances.

3. To make regulations to prevent the introduction of contagious diseases into the town, to make quarantine laws for that purpose, and to enforce them within the town, and to provide pest-houses.

Quarantine.

Pest-houses.

4. To prevent any person from bringing, depositing, or having within the town limits the carcasses of any dead animals or other unwholesome substance or matter or filth of any kind, and to require prompt removal of the same, and to impose all necessary penalties for the enforcement of such power.

To prevent and remove offensive and unwholesome matter.

5. To regulate, license, or prohibit butchers and prevent their slaughtering animals in the town limits, and revoking their license for malconduct in trade, and to regulate, license, and restrain the sale of fresh meat and the slaughter of animals, and to license and regulate or prohibit slaughter-houses within the town limits.

Regulation of butchers and slaughter-houses.

6. To compel the owner or occupants of any grocery store, blacksmith shop, tannery, stable, slaughter-house, or other building, or sewer, privy, hide-house, or other unwholesome place or house, to cleanse, remove, fill up, repair or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

Regulation of places liable to become offensive.

7. The town of Rutherfordton shall have the right and power by ordinance to provide that the tenant or owner of any property shall submit to an inspection of his premises at any and all times by the officers of the said town, and the town shall have the right to have said premises of all persons inspected at any hour during the daytime in the interest of public health; and for the purpose of making said inspection the officers or agents of the town duly authorized to do so shall have the right to enter upon the premises of any person for the purpose of making such inspection. The town shall have a right to issue notice to the owners or occupants of any premises found in an unsanitary condition to remove any filth or unwholesome matter, or to do such other things as may be necessary in order to put said premises in a clean and sanitary condition, and failure on the part of said owner or occupant to do so shall subject said person to penalties to be prescribed by ordinances, and said person may be fined or imprisoned for violation

Ordinances for inspection of premises.

Right of entry.

Notice to owners and occupants.

Penalty for failure to clean up.

Cleaning done by town.

Expense a lien on property.

of said ordinances by the mayor of the town. The town shall also have the right to put said premises in a clean and sanitary condition and charge the expense of same to the owners thereof, and shall have a lien upon the property involved for the amount expended in so doing.

Regulation of theaters and amusements.

8. To permit, forbid, or regulate theaters, balls, dance houses, and other places of public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety, or good morals may demand.

Keepers and inmates of houses of ill-fame. Assignation houses.

9. To prohibit and punish keepers and inmates of houses of ill-fame; to prohibit, prevent, and suppress assignation houses and houses of ill-fame, and to determine such inmates and keepers to be vagrants; and to provide for the punishment of such person.

Suppression of sales of liquor.

10. To prohibit, suppress, and regulate the manufacture and sale of spirituous, vinous, or intoxicating liquors, bitters, beverages, or drinks, in the city or within one mile thereof.

Transfer regulations.

11. To make all needful and proper regulations concerning dairymen, liverymen, horse drivers, omnibus drivers, hack drivers, and drivers of baggage wagons and other vehicles; to establish maximum rates for all kinds of transportation within the town limits; to prevent extortion and to preserve order and prevent noise and confusion in or about the depots or livery stables, and to provide how and where hacks or other carriages shall stand or take their position upon the streets, and where they shall stand when receiving or discharging passengers.

Gambling houses and gambling.

12. To suppress gambling-houses and to punish keepers of gambling-houses and pool cellars, and all persons who play cards or games of chance of any kind for money or other thing of value,

Lottery tickets.

and to punish persons who sell lottery tickets, or who advertise lottery drawings or schemes and results of drawings of lottery.

Inspection of dairies and milk.

13. To provide for the inspection of milch cows, whether kept within the town or without the town limits, from which milk is sold within the town limits, and to provide for the inspection of the milk offered for sale, and to prescribe the fees to be charged therefor.

Public grounds.

Animals running at large.

14. To establish and regulate public grounds, and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, and pigeons, and authorize the distraining, impounding, and sale of the same for the cost of the proceeding and the penalty incurred, and to order their destruction if they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinance regulating or prohibiting the same.

Dogs running at large.

15. To tax, regulate, restrain, and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties upon the owners or keepers thereof.

16. To prohibit and restrain or regulate the rolling of hoops, the flying of kites, and the firing of firecrackers or other fireworks, the use of velocipedes and bicycles, and the use of any amusement or practice tending to annoy persons passing upon the streets or sidewalks, or to frighten horses or teams. Amusements and games on streets.

17. To restrain and prohibit the ringing of bells or blowing of horns, bugles, and whistles, crying of goods or other noises, practices, or performances tending to the collection of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise. Suppression of noises.

18. To prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of the said town, and to prescribe a penalty by fine or imprisonment for nonobservance thereof. Prohibition of street begging.

19. To prevent all trespasses and breaches of the peace and good order, assaults and batteries, fighting, quarreling, using abusive, loud, profane, and insulting language, misdemeanors and all disorderly conduct, and to punish all persons thus offending. Preservation of peace and order.

20. To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments. Loud and immoral shows.

21. To prohibit, prevent, and suppress horse racing, immoderate driving or riding in the streets of said town. Horse racing and excessive speed on streets.

22. To prohibit cruel treatment of animals and to punish the abusers of animals. Cruelty to animals.

23. To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets, and to prescribe the place for hitching same. Fastening of horses on streets.

24. To restrain and punish vagrants, mendicants, beggars, and prostitutes. Vagrants, beggars, and prostitutes.

25. To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof. Sales of drugs.

Sec. 13. *Privilege or License Tax.* The town council of the town of Rutherfordton shall have the power to license, tax, and regulate merchants, commission merchants, hotel and innkeepers, brokers, real estate agents, insurance agents, insurance brokers, restaurants, barber shops; sellers of spirituous, vinous, malt, or intoxicating liquors, bitters, or beverages; bowling alleys, billiards, pool and bagatelle tables, boarding-houses, banks and banking agencies, drays, liverymen, peddlers, insurance companies; lectures for reward, unless wholly for religious or charitable purposes; photographers, auctioneers, express offices, telegraph offices; persons holding concerts or entertainments for pay, except those given wholly for religious or charitable purposes; circuses, menageries, dealers in lightning-rods, horse traders and dealers, dogs kept or owned within the corporate limits, and telephone License taxes. Subjects of license tax.

companies, and all other trades or professions, occupations, and amusements and callings of every other kind; to license, tax, and regulate any itinerant or transient vender of clothing or wearing apparel or articles of bedding or merchandise of any description whatever, ticket brokers or scalpers, or dealers in railway tickets, dealers in bankrupt or fire stock or damaged goods of any kind, second-hand dealers, pawnbrokers, junk shop or dealers in junk, and all other business or occupation whatever which in the opinion of the council should be the proper subject of police regulation; to require the person or persons or corporation pursuing any business or occupation covered by this charter to pay such license or special taxes and at such times as may be prescribed by ordinances adopted by the council, and give all bonds in such amounts and under such conditions as the town council may prescribe. Any person, firm, or corporation desiring to engage in any business or occupation or to do any acts specified herein, upon which a special tax is imposed, shall, before engaging therein, obtain a license from the mayor of said town, and any person engaging in any such business, trade, or profession, etc., without first obtaining such license, shall be guilty of an offense against the ordinances of said town, and may be punished as prescribed therein. No license shall issue for longer period than one year, and such license shall not be assignable except by permission of the town council.

Bonds on licenses.

License to be obtained before beginning business.

License for one year and not transferable.

Boxing matches, dog- and cock-fighting.

2. To prevent all boxing matches and sparring exhibitions, dog-fighting or cock-fighting, and to punish all persons thus offending.

Definition, abatement and punishment of nuisances.

3. To define what shall be a nuisance to the town, and to abate such nuisance by summary proceedings, and to punish the authors thereof by penalties, fines, and imprisonment.

Building regulations.

4. To regulate parapet walls, to prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, boilers, and other heating apparatus, and to cause the same to be removed and made safe.

Motor vehicles.

5. To regulate the use of automobiles, motor cars, motorcycles, and any other motor vehicle, and the speed thereof; to prescribe the proper lighting of same to be used at night; to issue permits for the use of such vehicles and to require the numbering of the said vehicles; to control and regulate the location and use of all kinds of steam engines and steam boilers in the town, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

Steam engines and boilers.

Inspection of construction.

Location of poles.

6. To inspect the construction of all buildings in the town and prescribe and enforce proper regulations in regard thereto, and regulate and locate or prohibit the erection of all poles in the town and cause the same to be changed, whether telegraph, telephone, electric light, or otherwise.

Free public library.

7. The town of Rutherfordton shall have the power to provide for, establish, and maintain a free public library in the town, and

to coöperate with any person, firm, or corporation under such terms as the town council may prescribe for the establishment of such free public library, and to that end they may acquire real estate for a suitable building therefor, either by purchase, gift, devise, or condemnation, and may levy the necessary tax to provide for and maintain the same.

Land for building.

Tax levy.

8. The town of Rutherfordton may maintain such free schools or graded schools as is now provided for, or such other free schools or graded schools as the town council may deem expedient, and shall have the right to levy and collect taxes and appropriate funds for the support and maintenance of such schools. The town council shall have the right to prescribe such officers as may be necessary to properly control and manage said schools, which have not been provided for by the graded school act establishing a graded school for Rutherfordton, to wit, chapter four hundred and forty-three of the Private Laws of the General Assembly of North Carolina for the year one thousand nine hundred and seven. The said graded school thus provided for shall be managed and controlled and shall be under the supervision of a board of trustees consisting of five, who shall hold their terms of office for a period of two years, and who shall be elected at the same time and in the same manner as the town council for the town of Rutherfordton, and the terms of office of the present trustees shall each and all expire at the same time the terms of office of the commissioners of the town of Rutherfordton expire, to wit, on May sixth, one thousand nine hundred and thirteen, at which time their successors shall be elected: *Provided*, that in the event that any of their successors should neglect or refuse to qualify on said date, that the present incumbents shall hold until their successors are qualified: *Provided further*, that not more than three of said trustees shall at any time belong to the same political party.

School system.

Funds for support and maintenance.

School officers.

School trustees.

Terms of office and election.

Term of present trustees.

Proviso: present trustees to serve until successors qualify.

Proviso: political affiliations.

9. That the act of the General Assembly of North Carolina creating said graded school, to wit, chapter four hundred and forty-three of the Private Laws of North Carolina for the year one thousand nine hundred and seven, is hereby repealed so far as the same is in conflict with the provisions of this section, and no further. All remaining parts and parcels of said act being entirely unchanged by this charter.

Repeal of conflicting parts of school law.

Sec. 14. *Franchises.* The right of control, easement, user, and the ownership and title to the streets, highways, and public thoroughfares and property of the town of Rutherfordton, its avenues, parks, bridges, and all other places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the town council and approved by the mayor: *Provided*, that whenever application is made for any grant or franchise, lease, right, or privilege, in or to the streets and public thoroughfares of the town, the same shall be submitted in writing and shall be recorded by the town clerk on his minutes,

Rights declared inalienable but by ordinance.

Proviso: application for franchise.

Application to be made in writing and recorded.

Tabled for thirty days.
Limit of time.

and shall be tabled for the period of thirty days before the same is granted by the town council, and no franchise shall be granted for more than thirty years without first submitting the question to the

Right to submit application to voters.

qualified voters of the town. The town council shall have the right to submit any application made for a franchise to the qualified voters of the town, if they should deem it best so to do before granting the same.

Exclusive franchise not granted.
Provision expressed in grant.

2. No exclusive franchise shall be granted by the town council for any purpose whatever, and all franchises granted by the council shall contain a provision therein that a like franchise may be granted to any other person applying for the same at the option of the council for said town.

Reports and statements from holders of franchises.

3. The town council shall have the right to require all persons, firms, or corporations holding a franchise from the said town to make such report and statements as they may deem proper.

Jurisdiction of mayor.

Sec. 15. *Mayor's Jurisdiction.* The mayor of the town of Rutherfordton shall have final, exclusive, original jurisdiction of

Misdemeanors within corporate limits.

all misdemeanors occurring or committed within the corporate limits of the town of Rutherfordton, as follows, to wit: of all offenses which are a violation of any ordinances now in force or which may hereafter be enacted by the town council, and of all crimes the jurisdiction of which is now or may hereafter be given

Jurisdiction as committing magistrate.

to justices of the peace. In all cases heard by the mayor as a committing magistrate, against any person or persons for any offense whereof the said mayor has not jurisdiction, in which

Persons bound over.

probable cause of guilt is found, such person or persons shall be bound in a bond or recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Rutherford

Committal in default of bond.

County for the trial of criminal causes, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Rutherford County to await trial as afore-

Sentences.

said; and he may sentence all persons convicted before him of violations of any offense over which he has jurisdiction to be

Sentence to labor.

committed to the calaboose, town prison, or county jail, and to be worked upon the streets of the said town or upon the public roads of Rutherford County, or he may order same to be hired to any

Labor in payment of fines and penalties.

other county in the State. In all cases where judgment is rendered against any person for fines or penalties, and the person against whom the same is adjudged fails or refuses to pay such judgment and the cost, it shall be lawful for the mayor of said town to require such person to be worked upon the streets of said town or upon the public roads of Rutherford County, or to be hired out until, at a fair rate of wages, such person shall have worked out the full amount of such judgment and cost.

Issue of process.

2. The mayor of the town of Rutherfordton may issue process to the town marshal of the said town or to the sheriff or any con-

Process to run.

stable or other arresting officer of Rutherford County, which process, when accompanied by a certificate of the Clerk of the

Superior Court of Rutherford County that the said mayor is the acting mayor of said town, shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law.

Costs of mayor. 3. The mayor of the town of Rutherfordton shall receive the same costs as are allowed by law in similar proceedings before justices of the peace, and shall keep a docket or record of the trial of all actions or cases brought before him. Dockets.

Jury trials. 4. The mayor of the town of Rutherfordton shall have the right to order a trial by jury in the same manner and upon the same terms and conditions as prescribed by the general laws of the State for trial by jury in courts of justices of the peace.

Taxing power. Sec. 16. *Taxation.* The town council shall have power and it is hereby authorized to levy, annually, for general purposes and for the purpose of paying the interest and providing a sinking fund on any outstanding indebtedness, bonded or otherwise, of the town, and for paying the interest and making provision for a sinking fund on such future bonds or indebtedness as may be authorized, an *ad valorem* tax on all real and personal property within the corporate limits of said town, and on all personal property owned by residents of said town, including money on hand and solvent credits, and upon all franchises granted by the town to individuals or corporations, and on all other subjects of taxation as provided by the General Assembly, a tax not to exceed two dollars ($2) on every one hundred dollars ($100) appraised valuation of said property, and in addition thereto a tax on all taxable polls not to exceed five dollars ($5) on each poll, and in levying taxes for general purposes, the constitutional equation between property and poll tax must be observed, but for special purposes it may or may not be observed: *Provided, however,* that public property used for public purposes, actual places for religious worship, places of burial not held for private or corporate profit, and all buildings used exclusively for school purposes, and the necessary furniture in all schools and institutions of purely public charity, are hereby declared to be exempt from taxation: *Provided further,* that twenty-five dollars ($25) worth of household and kitchen furniture belonging to each family in said town shall be exempt from taxation: *Provided further,* that in the event that the town council, for any cause, should fail or neglect to levy taxes for any year, then in that event the tax and tax ordinances of the preceding year shall and will be considered in force and effect as the tax levying ordinance for such year for which the council shall fail to pass tax ordinance or have same listed.

Tax for general purposes and interest and sinking fund.

Limit of rate.

Poll tax.

Constitutional equation.

Proviso: property exempt from taxation.

Proviso: exemption of household and kitchen furniture.

Proviso: tax and tax ordinances continued in force.

Tax lister. 2. That the secretary of the board of commissioners shall be a tax lister, and shall give ten days notice at three public places in said town within the month of June in each and every year of the time and place for listing taxes of said town, at which times and places all persons liable to pay taxes to said town shall to said tax

Notice for listing taxes.

Returns under oath.

lister return on oath a true and perfect list of his or her taxable property, with the true value thereof, and all taxable polls; and the said secretary shall by the first meeting of the board in August in each year make and return to said board an alphabetical list of the taxpayers of the said town, together with a classified schedule of all taxable property, polls, etc., of said town for revision, and after the said board shall have revised said list and affixed the amount of taxes due from each taxpayer, they shall cause the same to be copied in a book to be kept for the purpose, from which a copy shall be made and placed in the hands of the town tax collector for collection by the first day of September in each and every year, together with a warrant from the said board through the mayor, returnable on a day certain, not later than the first day of February in each and every year; and said tax list and warrant shall have the force of a judgment and execution for the taxes therein mentioned: *Provided, however*, that said tax list shall in no case be delivered to such collector for collection until he shall have filed with said board a justified bond in double the amount of the taxes to be collected for the current year, with at least two sureties and approved by said board: and *Provided further*, that the said council shall have the power to direct the tax lister to make said tax list from the county tax list if they deem it expedient to do so, which, when completed by said tax lister, shall be as effective as if listed according to the provisions of this section hereinbefore set out. And it shall be the duty of the tax lister or council to add to any such tax list prepared by the lister the names and amount of taxes due by any parties, firms, or corporations which may be discovered and which have not been listed by said parties herein provided.

Lists returned to board.

Revision of list.

Tax book.

Copy for tax collector.

Warrant for collection.

Force and effect of warrant.

Proviso: bond of tax collector.

Proviso: list from county tax list.

Additions to tax lists.

Penalty for non-payment of taxes.

3. If any person liable to taxes shall fail to pay them within the time prescribed for the collection thereof, such person shall be subject to a penalty of one per cent for each thirty days such tax remains unpaid after the time so prescribed for the payment thereof, which penalty may be enforced at the option of the council and shall become a part of the tax due by such person, and may be collected in the same manner as the other taxes.

Enforcement of penalty.

Collection by distress and sale.

4. The tax collector shall have power upon failure of any person liable to taxes to pay same within the time prescribed by the council, and where no time is prescribed at any time after January the first, in each year, to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town, or in lieu thereof by posting at the courthouse door and two other public places in said town a notice of said sale, if the property be personal, and thirty days if the property be realty. He may levy upon any property, real or personal, and expose same for sale after advertisement as hereinbefore stipulated, belonging to persons whom he shall have good reason to believe are disposing of their property or are about to dis-

Advertisement of sale.

Levy on property.

pose of same, or are removing same or about to remove same outside of the corporate limits of said town without first paying the taxes due thereon.

Receipts to purchasers.

5. It shall be the duty of the tax collector to deliver to the purchaser a receipt for the purchase money received by him from the sale of any such property, and to file with the secretary of the council a true return of his proceedings. The delinquent taxpayer whose property is sold for taxes as herein provided for, or his agent, may within twelve months from the date of sale of any real estate, redeem the said real estate by paying to the secretary the amount of said bid, together with twenty per cent interest thereon from the date of the sale and all costs incurred in making same, when the delinquent taxpayer shall be restored to all his original rights in said property, but upon the failure of such delinquent taxpayer thus to redeem the said property, the collector shall make a deed to the purchaser, and such deed shall be valid to pass all rights and interest of the delinquent taxpayer in the said property. A recital in said deed and all recitals in said deed of the doing of such things as were necessary to be done in order to perfect such sale shall be deemed *prima facie* evidence that such things were done.

Return of proceedings.

Time for redemption of real estate.

Deed to purchaser for property not redeemed.

Recitals in deed prima facie evidence.

Title not disputed but on tender of tax.

6. When any property sold at a tax sale shall be purchased by the town of Rutherfordton, or by any individual, firm or corporation, the title acquired by the said purchaser shall not be disputed by any person whomsoever or for any cause whatsoever, except upon tender to the town or other purchaser of the taxes lawfully due on such property for which sale was made, together with all accrued penalties and costs as provided by this charter. The sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Absolute title in personal property.

Levies, assessments, and assessment rolls validated.

7. All levies of taxes heretofore made by the town of Rutherfordton, and all assessments heretofore made, and the assessment rolls heretofore placed in the hands of the assessor and collector of taxes for collection, are hereby validated, and the same shall be legal and binding, regardless of any irregularity that may exist in connection with the same.

Collection of taxes and assessments by civil action.

Foreclosure of liens.

8. In addition to the other methods of collection in this act provided, all taxes due the town, whether general or special, and all assessments for street improvement or otherwise, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as *prima facie* evidence of the statements made therein, and the town shall have equal right to become the purchaser at all sales for taxes or assessments due it under judgment or otherwise.

Assessment rolls prima facie evidence.

Payment of debts of town.

9. No levy shall be made on any property belonging to the town nor shall any levy be made upon the property of any individual of

any debt by the town, and all such debts shall be paid only by taxation upon subjects properly taxable by the town.

Lists subject to correction.

10. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public.

Open for inspection.

Personal property liable for taxes.

11. The personal property of all persons owing any taxes to the town of Rutherfordton is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

Questions governed by State law.

Sec. 17. *Miscellaneous.* All questions in the administration of the government of the town, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided.

Pleading ordinances.

2. In all judicial proceedings it shall be sufficient to plead any ordinance of the town by caption, or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes published by authority of the council of the town of Rutherfordton shall be admitted in evidence in all courts and have the same force and effect as would the original ordinance.

Printed ordinances admitted in evidence.

Ordinances to remain in force.

3. All ordinances of the town of Rutherfordton not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the town council: *Provided*, that the power to pass such ordinances under former charters has not been repealed, expressly or impliedly, by the terms of this act.

Proviso: effect of this act.

Act deemed public.

4. This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been printed or read in evidence.

Property of town not subject to execution or garnishment.

5. The property, real and personal, belonging to the town of Rutherfordton will not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the town in the hands of any person or corporation be liable to garnishment, nor shall the town or any of its officers or agents be required to answer any writ of garnishment served upon the town; but if the mayor of the town elects to do so, he shall have the right to answer any writ or garnishment for the town at his discretion.

Partial unconstitutionality not to invalidate act.

6. In the event that any part, articles, sections, or subdivisions of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect, notwithstanding such holding.

Failure of officer to settle with successor an offense.

7. Any officer of the town of Rutherfordton who shall, on demand, fail to turn over to his lawful successor in office the property, books, moneys, seals, or effects of the town, shall be deemed guilty of an offense, and may be indicted in the Superior Court of

Punishment.

Rutherford County, and fined not exceeding one thousand dollars ($1,000), or imprisoned for not more than two years.

Power to sell property.

8. The town council shall have power by a majority of said council to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal, belonging to the town, and when so sold, a deed for the real estate may be executed by the mayor and attested by the town secretary, with the corporate seal of the town attached thereto.

Execution of deed.

Election on change of limits.

9. That any time, upon the written application of one-fourth of the qualified voters of the town of Rutherfordton for that purpose, the town council shall call an election to be held within sixty days, at which there shall be submitted the question of the extension, change, or alteration of the corporate limits of said town as applied for, at which said election all the legal voters of the said town within the proposed limits shall be allowed to vote a ticket upon which shall be written or printed the words "For change of corporate limits," or "Against change of corporate limits." Said election shall be held under the same rules and regulations as are prescribed for the election of the mayor and town council of said town, and if a majority of the votes cast be for change of corporate limits, the board shall declare the corporate limits so changed, and on and from thirty days from the date of such order the corporate limits of said town shall be as outlined in said order. If a majority of the votes so cast shall be against change of corporate limits, the same shall remain unaffected and as they before existed.

Legal voters.

Tickets.

Law governing election.

Effect of election.

Election on other questions.

9. The town council shall have the right and authority to call an election to be held at any time upon the written application of twenty-five per cent of the qualified voters of said town for the purpose of voting upon any question which the said petition may request them to submit to a vote of the citizens of said town, whether the same be for the purpose of voting bonds for any purpose whatsoever or for the purpose of ascertaining the wishes of the inhabitants of said town upon any other question of public interest. The said board shall advertise said election so ordered for a period of thirty days in some newspaper published in Rutherford County and at the mayor's office in said town, and no special act shall be necessary to authorize the said council to order any such election. The said board shall also have the authority to call as many elections under the provisions of this section as they may be petitioned to call in the manner hereinbefore set out, and may call more than one election to be held for the purpose of voting upon the same question if a petition be filed as herein provided, requesting said council to call such election, notwithstanding the fact that other elections may have been held for the purpose of ascertaining the wishes of the citizens of the town upon the same question theretofore.

Advertisement of election.

Number of elections.

Charter of town.
Laws repealed.

10. From and after the ratification of this act, the same shall be thenceforth the charter of the town of Rutherfordton, and all laws now constituting the charter of the said town and affecting the government thereof in the grants made of its corporate franchise powers, except as relating to the issue of bonds and granting of franchises, and establishing or relating to the graded school, and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, as far only as they may affect the town: *Provided, however*, that such repeal shall not annul any ordinances, by-laws, or rules of the town relating to bond issues or the granting of franchises, nor shall such repeal affect any act done or any right accruing or established, or any suit had or commenced in any case before the time when such repeal shall take effect, neither shall any right, estate, duty, or obligation possessed by or due to the town by its present name from any corporation or person whatever be lost, affected, or impaired, but the same shall remain in full force, and be possessed, enforced, and enjoyed in the name and for the use of the said town by the name of the town of Rutherfordton.

Proviso: effect of repeal.

Sec. 18. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 254.

AN ACT TO INCORPORATE THE HIAWASSEE VALLEY RAILWAY COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That S. H. Boyd, W. T. Bumgarner, R. L. Herbert, S. E. Cover, John O. Scroggs, N. N. Rogers, G. H. Haigler, W. H. McClure, O. L. Anderson, J. Q. Baker, and M. W. Bell, and such other person or persons as may be associated with them, their successors and assigns, are hereby created a body corporate under the name of the Hiawassee Valley Railway Company, for the purposes hereinafter described; and under the aforesaid name and style shall have perpetual succession, and shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter, renew, or break the same at pleasure; and shall have, possess, and enjoy all rights and privileges of a corporation or body politic under the general law, and also rights, privileges, and franchises herein given.

Corporate name.
Corporate rights.

Power to locate, construct, and operate railroad.

Sec. 2. That said company shall have and it is hereby given the right and power to locate, construct, equip, maintain, and operate, by steam power or electric power, a railroad, or any part thereof, upon one or more tracks, standard-gauge or otherwise, from some

point at or near Murphy, or at or near Andrews, Cherokee County, North Carolina, through the counties of Cherokee and Clay, to the State line, dividing the States of North Carolina and Georgia, by such route as it may select; and it may also construct, maintain, and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion, and operation of such railroad; and for these purposes it shall have the power to construct dams, culverts, trestles, and bridges over and across streams, valleys, and depressions; and it shall have the right to cross any navigable stream on its route; it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may be hereafter constructed in this State upon the ground of such other companies at any point on its route, and to build the necessary turnouts, sidings, switches, and other conveniences in furtherance of the objects of its construction; and may, in making any intersection or connection with another road, have all the rights, powers, and privileges conferred upon railroads by chapter sixty-one of Revisal of one thousand nine hundred and five, or any act of Assembly amendatory thereof. Said company shall also have the right to locate such station or stations along its railroad, and arrange such schedule or schedules for the running of its passenger or freight cars or trains as it may think proper; and may construct and operate one or more lines of telegraph or telephone along its line or lines of railway; and may charge and collect such pay for messages or dispatches as said corporation may determine upon, subject to the general law of the State, and may lease, rent, mortgage, or sell this right and any telegraph or telephone lines constructed or owned by the said corporation. For the construction of a railway, telegraph and telephone lines provided by this act, the company shall have, for the purpose of acquiring lands, easements, or rights of way, all the rights, powers, and authorities given to railroads and electric companies under chapters sixty-one and thirty-two of Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapters were incorporated in this act.

Terminals and route.

Lateral and branch lines.

Dams, culverts, trestles, and bridges.

Navigable streams.

Right to cross, intersect, and join with other railroads.

Sidings.

Rights under general law.

Stations.

Schedules.

Telegraph and telephone lines.

Tolls.

Power of sale.

Powers and rights under general law.

Sec. 3. Said company, its successors or assigns, shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property, and make and collect charges therefor, and to make, fix, charge, and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Exclusive right of transportation.

Rates.

Capital stock.

Power to increase capital.

Proviso: application for, and payment of tax on, increase.

Stock vote.

Minimum subscription.
Payment of subscriptions.

Organization.

Subscribers not individually liable.

Power to borrow money and issue bonds.

Mortgages.

Power to sell or lease.

Connection with other roads.

Consolidation or merger.

Power to sell or lease.

Power to lease or purchase other companies.

Sec. 4. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in sections one thousand two hundred and thirty-two and one thousand two hundred and thirty-five of chapter twenty-one of Revisal of one thousand nine hundred and five, for increase of capital stock. Each share subscribed shall be entitled to one vote in all meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized. The company may receive cash, labor, material, bonds, stock, contracts, real or personal property, in payment of donations or subscriptions to its capital stock. A majority of the corporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers by said board of directors as may be necessary for the control and management of the business and affairs of said company; and thereupon they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. No subscriber shall be individually liable for the debts of the company.

Sec. 5. It shall be lawful for the said company to borrow money, and issue and sell its bonds from time to time, for such sums and on such terms as its board of directors may deem expedient and proper, for any of the purposes of the company; and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal, or mixed; also on all its franchises, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease, or in any manner convey and encumber the same or any part thereof.

Sec. 6. The said company may connect or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property, and franchises with and into those of any other railroad company or companies incorporated under the laws of this State or any other State of the United States, operating or authorized to operate railway lines, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal, or mixed, its contracts and privileges and its charter rights and franchises, to any such other company upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all of the property, real or personal or

mixed, and all contracts and privileges, and the chartered rights and franchises of any such other company or companies; and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers, and changes of name.

Contracts in consummation of lease, sale, or merger.

Sec. 7. The board of directors shall, as soon as they deem it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as they may deem expedient; and the construction of some of said works shall be begun within three years after the ratification of this act.

Location of works.

Time for beginning of construction.

Sec. 8. That the principal office of said company shall be located at Murphy, North Carolina; and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe; but by consent of the board of directors, the principal office may be removed to any place within the State most expedient to the management of its works.

Principal office.

Branch offices.

Removal of principal office.

Sec. 9. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right of way and depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five, and amendments thereto, or may file a petition before the clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plat thereof. The clerk of the Superior Court shall thereupon issue a summons or notice to the owner, returnable to a day certain, after ten days notice, and, after a hearing, shall, if not sufficient cause is shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land or right of way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefits pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for a condemnation of the right of way only, the consideration or damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration or damages shall be for the fee. The appraisers shall make their report to the clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall

Power to condemn land.

Proceedings for condemnation.

Alternative method of procedure.

Record of report.

Right of appeal.

have the force and effect of a deed. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk.

Limit of land condemned.

Sec. 10. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their roadbed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses they may condemn not exceeding five acres in any one place; and in all cases where land or rights of way have been condemned the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such cases within two years from the removal of such disabilities.

Petition for assessment.

Partial construction and operation authorized.

Sec. 11. A part of the railway line of said company may be constructed without completing its entire line, and the said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.

By-laws, rules and regulations.

Sec. 12. The stockholders of said company, or board of directors under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such times and places as the stockholders and board of directors may respectively prescribe.

Meetings.

Election of directors.

Sec. 13. The board of directors shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and qualified, and they shall choose from among their number a president, vice president, secretary, and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation, or incapacity of any officer or member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Term of office.

President, vice president, secretary and treasurer.

Vacancies.

Act deemed public.

Sec. 14. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company, in any judicial proceedings.

By-laws and regulations prima facie evidence.

Donations or subscriptions by municipalities.

Sec. 15. That any county, city, town, or township through any portion of which the said railroad shall pass, or along or near its lines, or its branches, lateral or connecting roads, or at their terminal points, may make a donation to said company in money or its equivalent in real or personal property or a subscription to its capital stock: *Provided*, that after notice given and an election

Proviso: donation or subscription approved by voters.

held as hereinafter provided, a majority of the qualified voters of the county, city, town, or township wherein the election is held shall vote for the donation or subscription which shall be submitted to their vote for acceptance or rejection. That upon presentation of a writing, signed by not less than fifty freeholders and resident taxpayers of the county, township, city or town, to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, or a proposition to donate to said company in money or its equivalent a definite sum named in the petition, the board of commissioners of said county, or proper authorities of said city or town, may in their discretion order a new registration, and shall, within thirty days thereafter, order an election to be held in such county, township, city or town, to submit to the qualified voters therein the question of making said donation to said company or subscription to the said capital stock or bonds of said company; at which election all those qualified to vote who are in favor of such subscription or donation shall vote a ballot on which shall be written or printed the words "For Subscription" or "For Donation," and those opposed to such subscription or donation shall vote a ballot on which shall be written or printed the words "Against Subscription" or "Against Donation"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days notice thereof shall have been given, specifying the amount of the proposed subscription or donation, posted at the courthouse door of said county and at every polling place of said county, township, city or town where the said election shall take place; and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

Petition for election.

Order for election.

Ballots.

Law governing elections.

Notice of election.

Returns.

Sec. 16. If a majority of the qualified voters vote for subscription or for donation, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription or donation, and shall issue coupon bonds to the amount of said subscription or donation, in order to pay the same; and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Effect of election.

Issue of bonds.

Denomination.

Maturity.

Interest.

Sec. 17. The county authorities in any county voting for subscription or donation, or in which there is a township voting for

Special tax.

subscription or donation, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said city, township, city or town to pay for the interest on the bonds issued on account of such county, township, city or town; and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Collection and settlement of tax.

Taxes kept separate.

Specific appropriation.

Investment of sinking fund.

Bond issue by company.

Sec. 18. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denominations and running for such a time and bearing interest at such a rate and payable at such time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Cherokee County, and upon registration in said county it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes.

Mortgage to secure payment.

Registration of mortgage.

Sec. 19. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 20. This act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 255.

AN ACT TO INCORPORATE RALEIGH, WESTERN AND ATLANTIC RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That C. B. Barbee, W. C. Riddick, Frank K. Ellington, Daniel Allen, C. A. Gosney, and James H. Pou, of the city of Raleigh, North Carolina, and such other persons as may be associated with them, are hereby created and declared a body politic and corporate, with perpetual succession, under the name and style of "Raleigh, Western and Atlantic Railway Company," and in that name may sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with; shall have power to adopt a common seal and to change the same at will, and shall be capable of taking, by purchase, gift, or any other way, real or personal property, and holding, leasing, conveying, or in any other manner dealing with the same for any of the purposes hereinafter enumerated, and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or the State of North Carolina. It may build branch roads from any part of its main line not exceeding sixty miles in length; and it may form connection with, build, or acquire and operate, entirely or jointly, trolley railways in any one or more towns or cities which may grant permission or franchise for such purpose.

Corporators.

Corporate name.

Corporate powers.

Branch roads.

Trolley lines.

Sec. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain, and operate, with steam or other motive power, a railroad and a telegraph or telephone line, either or both, from some point on the line of the Norfolk and Western Railway Company, in the county of Durham, or in the county of Person, to some point on the line of the Atlantic Coast Line Railroad Company in either one of the following counties, to wit, Halifax, Nash, Johnston, Harnett, or Cumberland; and to extend the northwestern end of said railroad from said point on the line of the Norfolk and Western Railway Company to some point on the line between the States of North Carolina and Virginia, in one of the following counties, to wit, Caswell, Rockingham, Stokes, or Surry; and to extend the other end, to wit, the eastern or southeastern end, to some point on the Atlantic Ocean, or some navigable sound, bay, or estuary thereof, between the mouth of the Neuse River and the South Carolina State line, or to some point on the line between the States of North Carolina and South Carolina, between the Pee Dee River and the Atlantic Ocean: *Provided, however*, the said road shall not be run parallel to the North Carolina Railroad, or approximately parallel said road within five miles of said road at any one section for a greater distance than ten miles, except in Wake and Durham counties.

Power to construct and maintain railroad, telegraph, and telephone lines.

Terminals and routes.

Proviso: road not to parallel North Carolina railroad.

Capital stock.

Power of increase.

Proviso: authority for increase.

Stock vote.

Minimum subscription.

Classification of stock.

Books of subscription.

Meeting for organization.

Election of directors and other officers.

Stock vote in person or by proxy.

Officers elected by directors.

Sec. 3. The capital stock of said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding eight millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section ninety-seven of chapter two of Public Laws of one thousand nine hundred and one, for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized. The capital stock of this company shall at no time be considered more than the amount of capital stock actually subscribed. When the said minimum amount of ten thousand dollars shall have been subscribed, that sum shall be considered the capital stock of the company; but this may be increased at any time by further subscriptions to or sales of capital stock to an amount not exceeding one hundred and twenty-five thousand dollars, without any special authority or resolution to that effect. But after one hundred and twenty-five thousand dollars shall have been subscribed, no further increase shall be lawful, except upon application to and leave granted by the Secretary of State and tax paid as hereinbefore provided. The capital stock, or any part thereof, may be issued in two or more classes, and one or more class or classes may have preference over other class or classes as to dividends or redemption, or both or either, as determined by company and expressed in the certificates of stock.

Sec. 4. That the incorporators shall have the power to open books of subscription, in person or by agent duly appointed by a majority of them, at such place or places as they may deem proper, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after twenty days notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State; but the said incorporators and subscribers may waive the said twenty days notice by a stipulation to that effect signed by all the incorporators and subscribers; and the said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meeting, and all other meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect one of their number president, and to elect such other officers as the by-laws of said company prescribe; and may do and perform all other acts necessary to

complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting. Said stockholders' meeting to be annually, but if the day of annual election should under any circumstances pass without any election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Term of directors.

Time and place of meeting.

Annual meetings.

Sec. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors; and that in all elections and upon all votes, when at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.

Election of directors by ballot.

Persons declared elected.

Vote in person or by proxy.

Verification of proxies.

Sec. 6. The board of directors may fill any vacancies that may occur in its membership during the period for which its members were elected, and until their successors shall have been elected and qualified. The president of the company and the vice president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors, and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary *pro tempore* to fill their places, except when the vice president is present; in that case, the vice president shall act.

Vacancies.

Election and term of president and vice president.

Secretary and treasurer.

President and secretary pro tempore.

Sec. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Issue and transfer of stock.

Sec. 8. The said company shall have power to take, by purchase, lease, or otherwise, the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon. It may assign or lease its property and franchises or any part thereof to any other railroad, and the road so leasing or purchasing this road shall hold, own, and enjoy all the property and franchises so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing; and the road so leasing or purchasing shall be entitled to all property, franchises, privileges, and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the

Power to purchase and lease other roads.

Power of consolidation.

Power to sell and lease.

Rights of leasing or purchasing road.

Proviso: consolidation of competing roads.

said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State or elsewhere, and hold shares in the same. It shall have power to use and operate any section or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon. It shall have power, if it so desires, to issue bonds secured by mortgage on any one or more sections of its said road, which shall be first liens on such sections respectively as are covered by said deed of mortgage. It may also, if it desires, issue a general mortgage covering the entire property, which shall be junior to any prior mortgages covering particular sections. It shall be lawful for the company to operate one or more of its said sections or divisions with one motive power, and other section or sections with other or different motive power; and it may operate one or more of its sections as an interurban line, using either steam or electricity, or both, or any other motive power.

Exercise of powers and privileges.

Subscriptions to other companies.

Use and operation of part of road.

Bonds and mortgages on sections.

General mortgage.

Motive power.

Interurban lines.

Sec. 9. The said company shall have the right, when necessary, to construct any line of its said road across any public road or other railroads, or alongside any public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company and which has been accepted by the board of county commissioners.

Construction along or across roads.

Proviso: construction of new road.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroads shall go, for the purchase of the land for the right of way, yards, shops, depots, or other railway purposes, the said company may proceed to condemn and to enter the same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five, and amendments thereto; or may file a petition before the clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plat thereof, as provided for in Revisal of one thousand nine hundred and five. The clerk of the Superior Court shall thereupon issue a summons or notice to the owner, with copy of petition and plat, returnable to a day certain after ten days notice, and after a hearing shall, if sufficient cause is not shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land or

Power to condemn land.

Proceedings for condemnation.

right of way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefits pertaining to the public shall not be considered in reduction of damages. The appraisers shall make their report to the clerk of the Superior Court within ten days of the time of their meeting on the premises; said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk. Right of appeal.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to a space of not less than twenty (20) feet nor more than one hundred (100) feet on each side of its roadbed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grade; but for yards, shops, and depots the company may condemn as much land as may be necessary for such purposes and to properly care for the business expected to be handled by it. And in all cases where lands or rights of way shall not have been condemned, and where the owner shall petition for assessment of damages, such petition must be filed within two years from the construction of the road on said land, and not thereafter, except in case of legal disabilities, and in such case within two years from the removal of such disabilities. In incorporated towns and cities, and where occupying the rights of way of any other corporation, this company may condemn, if it so desires, only so much land as it may require, considering the situation, which may be less than twenty (20) feet on each side of roadbed. But in its petition it must designate the width to be condemned. Limit of right to condemn land. Petition for assessment of damages. Time for filing petition. Minimum of condemnation.

Sec. 12. That any county, township, city, or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of writing signed by not less than fifty freeholders and resident taxpayers of the county, township, city, or town, to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city, or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, the board of commissioners of said county or proper authorities of said city or town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or Municipalities may subscribe to stock or bonds. Petition for election. Order for election.

town, to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county and at every polling place of said county, township, city, or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town, who shall canvass said returns and judicially determine and promulgate the result of said election; and if the result of said election shall be "Against Subscription," the power to hold elections granted under this act shall not be considered exhausted as to such county, township, city, or town; and future elections may be held in the same manner as is provided herein for the first election, except that in all succeeding elections when the petition for election shall be presented it shall be accompanied with the deposit of a sufficient sum of money to save the county, township, city, or town harmless from all expenses incurred in holding said election.

Ballots.

Law governing elections.

Notice of election.

Returns.

Canvass of returns.

Further elections.

Deposit for expense.

Effect of election.

Sec. 13. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription and shall issue such coupon bonds to the amount of said subscription, in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city, or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run from such number of years and bear such rate of interest as the petition and order of election shall indicate.

Bond issue.

Denomination.

Interest and maturity.

Special tax.

Sec. 14. The county authorities in any county voting for subscription, or in which there is a township voting for a subscription, who are legally vested with power to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city, or town, to pay for the interest on the bonds issued on account of such county, township, city, or town; and shall also levy a sufficient tax to create a sinking fund

to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city, or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Collection.

Tax kept separate.

Investment of sinking fund.

Sec. 15. It shall be lawful for the said Raleigh, Western and Atlantic Railway Company, chartered by this act, to issue bonds in such a denomination and running for such a time, and bearing interest at such a rate and payable at such a time and places as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage or mortgages to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage or mortgages may be placed on such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage or mortgages provided to be executed in this section may be made in Wake County, and, upon registration in Wake County, it shall be a lien on such property and franchise conveyed in such mortgage or mortgages as fully and completely as if the same were registered in each and every county through which the road passes.

Bond issue by company.

Mortgages.

Registration of mortgages.

Sec. 16. That the board of directors of the penitentiary may, on the application of the president of said company, approved by the Governor, hire to said company convicts not otherwise appropriated, not less than two hundred and fifty in number, to be worked in construction of said road, on such terms as may be agreed upon; the said convicts to be guarded and superintended by the authorities of the penitentiary as provided by law.

Power to hire convicts.

Sec. 17. That the stockholders of the said company, with the private citizens or other corporations, public, private, or municipal, which may become stockholders, shall not be personally liable for the debts of said company; nor shall a subscriber to the capital stock be liable for more than his own individual subscription.

Stockholders not personally liable.

Sec. 18. That in the construction of said railroad, or any part thereof, if it shall become necessary or desirable to cross any navigable stream, bay, inlet, or other navigable water, the consent of the State is hereby given to the crossing of such navigable water, and to the building of such bridge or bridges or wharves as may be necessary therefor: *Provided*, the consent of the National Government, through the Secretary of War, shall likewise be given thereto.

Right to cross navigable waters.

Bridges and wharves.

Proviso: consent of national government.

Stations in Raleigh and Durham.

Sec. 19. That this company shall not be required to enter or operate its trains into the union stations in the city of Raleigh nor the city of Durham; but it shall be required to erect and maintain sufficient, comfortable, and convenient stations for passengers, at some convenient point in or near the said cities, if the said road shall be constructed near enough to said cities for the said depots to be of any convenience or advantage thereto.

Sec. 20. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 256.

AN ACT TO RECHARTER THE TOWN OF MOUNT HOLLY, GASTON COUNTY, NORTH CAROLINA, AND TO REPEAL THE FORMER CHARTER OF THE TOWN OF MOUNT HOLLY.

The General Assembly of North Carolina do enact:

Charter repealed.

Section 1. That the charter of the town of Mount Holly and all amendments thereof be and the same are hereby repealed.

Present officers to finish term.

Sec. 2. That the present mayor, board of aldermen, and all other officers of said town, either elective or appointive, except such as may be removed for cause or otherwise, shall hold their respective offices until their term shall expire or their successors are elected and qualified.

Incorporation.

Sec. 3. That the inhabitants of the town of Mount Holly shall be and remain, and continue, as they have been, a body politic and

Corporate name.

corporate, and the corporation shall bear the name of the town of

Franchises, powers, rights, and liabilities.

Mount Holly, and shall have perpetual succession; and under such name shall have all the franchises, powers, property and rights of property, which now belong to the corporation under the name of the town of Mount Holly, and be subject to all its present

Corporate powers.

liabilities; and by this name may acquire and hold such estates as may be devised, bequeathed, sold, or in any manner conveyed to it and may from time to time as it shall be deemed necessary or advisable by the proper authorities of the corporation, invest, sell, or dispose of the same; and under this name shall have the power to contract and be contracted with, sue and be sued, and shall have all the powers, franchises, and immunities necessary to or usually

Rights and privileges under general law.

pertaining to municipal corporations; and the town of Mount Holly shall have and possess all the rights and privileges prescribed by chapter seventy-three of the Revisal of one thousand nine hundred and five: *Provided*, nothing shall be so construed as to deprive said town of Mount Holly of any of the powers and privileges vested in it by the provisions of this charter.

Sec. 4. That the corporate limits of the town of Mount Holly shall be bounded by the following boundaries, to wit: Beginning at the mouth of Dutchman's Creek where it empties into the Catawba River; thence running in a westerly direction up Dutchman's Creek to a point (known as the old bridge across Dutchman's Creek) at the north end of a street that runs south by the property of Ellinoretta Herms and S. J. Skidmore, running across the tracks of the Seaboard Air Line Railway Company; thence north, crossing Dutchman's Creek (on the north side of Dutchman's Creek), a straight line through Boyden Nims' land to a spring (said spring known as the old Calloway or Phillips spring), the corner of Luther Nims' and Boyden Nims' land; thence west, crossing the macadam road, to a street between the property of Dr. J. S. Hoffman and P. S. Jenkins; thence with said street to a point nine hundred and ten feet westerly of the macadam road; thence southwest to the northeast corner of the lands of the Woodlawn Manufacturing Company; thence west with the north lines of the lands of the Woodlawn Manufacturing Company and Southern Power Company's lands to the northwest corner of the lands of the Woodlawn Manufacturing Company; thence with the lines of the lands of the Woodlawn Manufacturing Company to the southwest corner of the lands of the Woodlawn Manufacturing Company; thence with their lines in a southeasterly direction to a point intersecting with the old corporation lines; thence westerly with the old corporation lines to W. B. Rutledge's northeast corner; thence westerly with W. B. Rutledge's lines to his southwest corner; thence a straight line to the northwest corner of the Mount Holly Cemetery; thence south to a point on the western line of the lands of Jim Ross, fifty feet from his southwest corner; thence in an easterly direction to a spring, the corner of J. A. Costner, R. F. Rankin, and Ransom Hunter; thence with the lines of Costner and Rankin in a southeasterly direction to the right of way of the Piedmont Traction Company, on the north side of the Piedmont Traction Company's railroad tracks; thence with the right of way of the Piedmont Traction Company to the old corporation lines on the north side of the tracks of the Piedmont Traction Company; thence east with the old corporation lines to the Catawba River; thence north with the Catawba River to the beginning. Corporate limits.

Sec. 5. That the territory comprised within the corporate limits of said town shall be and is hereby laid off into four wards. Ward Number One shall be comprised of the territory within that section of the said town that lies on the north side of the Seaboard Air Line Railway tracks and east side of Main Street; Ward Number Two shall be comprised of the territory within that section of said town which lies on the north side of the Seaboard Air Line Railway tracks and west side of Main Street; Ward Number Three shall be comprised of the territory within that section of Territory laid off into wards. Ward No. 1. Ward No. 2. Ward No. 3.

Ward No. 4.

said town which lies on the south side of Seaboard Air Line Railway tracks and west side of Main Street; Ward Number Four shall be comprised of the territory within that section of said town which lies on the south side of the Seaboard Air Line Railway tracks and east side of Main Street.

Town elections.

Sec. 6. That on the first Monday in July, one thousand nine hundred and thirteen, and on the first Monday in July annually thereafter, there shall be elected a board of aldermen and a mayor, by the qualified voters of said town; and the said officers so elected shall hold office for a period of one year, or until their successors are duly elected and qualified, except such as may be removed for cause or otherwise.

Term of office.

Call and conduct of elections.

Sec. 7. That the annual election herein provided, and any and all elections herein authorized, or as may be deemed necessary for said town purposes, shall be called, held, conducted, and concluded under the direction of the mayor and board of aldermen of said town, by officers so designated and appointed by them for the purpose, in manner and form in every respect as near as may be, and under the same provisions of law and practice as near as may be, as elections for county officers are held and conducted, like county officials, under the general law relating to such elections in North Carolina in force at the time of such elections, including all the penalties and forfeitures prescribed for the violation of such law.

Election officers.

Law governing election.

Call of election for municipal questions by petition of voters.

That the board of aldermen and mayor are hereby authorized to call an election for any municipal purpose upon the presentation of a petition of one-fourth of the qualified voters of said town, such elections to be held in the same manner as is prescribed for holding elections of town officers. All elections for all town officers and for all town purposes shall be held at four voting places, one in each ward, to be designated by the board of aldermen of said town.

Polling places.

Four aldermen.

Elected by wards.

Sec. 8. That the board of aldermen shall consist of four aldermen, one from each ward. Each alderman shall be elected by the qualified voters in the ward in which the said alderman resides; each alderman shall be a qualified elector and shall be a resident of the ward from which he is elected, and must have lived in the ward from which he is elected for a period of four months next preceding his election; and if any such alderman shall after election move out of the limits of said town or ward from which he was elected, his office shall be vacated thereby, and the same shall be filled as hereinafter provided, and the aldermen so elected shall constitute the board of aldermen of said town.

Residence of aldermen.

Removal to vacate office.

Aldermen to qualify.

Sec. 9. That on the second Monday in July, one thousand nine hundred and thirteen, and annually thereafter, the board of aldermen, after having taken an oath before some justice of the peace of Gaston County to support the Constitution of the United States and the Constitution of the State of North Carolina, and to well, faithfully, and truly perform the duties of the office of an alderman

of the town of Mount Holly to the best of their ability, which oath shall be subscribed to and entered upon the minutes of the corporation, and attested by the justice of the peace administering the oath, shall take their seats and remain in office for a period of one year and until their successors are elected and qualified, except such as may be removed for cause or otherwise. They shall organize by electing one of their members chairman, who shall act as mayor *pro tempore*, in case of a vacancy, absence, or illness of the mayor. They shall proceed to elect members to fill such vacancies as may arise by death, or failure to elect in the town, whether by virtue of a tie or on certificate of fraud, and shall fill any vacancies as may occur from time to time during their term of office, either elective or appointive offices. A majority of the aldermen shall constitute a quorum for the transaction of business. Said board of aldermen shall meet for the transaction of business at least once a month, and shall meet on the call of the mayor, or a majority of the board of aldermen, as often as may be necessary. Said board of aldermen, at its first meeting after having been qualified, shall proceed to elect a chief of police for said town, and as many assistant policemen as may be deemed necessary from time to time. The chief of police shall also act as tax collector, and as chief of the fire department, until the board of aldermen shall deem it best to elect separate officers for these departments or offices. The board of aldermen shall also elect at this meeting a town clerk, who shall also fill the office of town secretary and treasurer until the board of aldermen shall deem it best to elect separate officers to fill these offices. They shall also elect a sanitary officer for said town, and when deemed necessary, a town attorney, and any and all other officers which may be deemed necessary to promote the general welfare of the people and for the good government of the town. Said officers so elected shall hold their offices for a period of one year, or until their successors have been elected and qualified, except such as may be removed for cause or otherwise.

Oath entered on minutes.

Assumption of office.

Mayor pro tem.

Vacancies filled.

Quorum.

Meetings.

Election of chief and assistant policemen.

Tax collector and chief of fire department.

Town clerk.

Sanitary officer.

Town attorney.

Other officers.

Terms of officers.

Sec. 10. That the board of aldermen of the town of Mount Holly shall have power to make and provide such ordinances for the government of the town as it may deem necessary or expedient, not inconsistent with the laws of the State of North Carolina, and it shall have power to make and provide all needful ordinances to secure health, order, quiet, and safety within the town limits and for one mile beyond; to take all necessary means to prevent and extinguish fires; to make ordinances and regulations for the observance of the Sabbath; to suppress and remove nuisances; to regulate the speed of riding and driving on the public streets; to keep and require to be kept the streets and sidewalks clear of all obstructions; to cut and remove all limbs, branches, parts of trees and shrubbery, trees and shrubbery extending upon or overhanging the sidewalks or streets, or in sidewalks or streets, at the

Legislative powers.

Subjects of ordinances.

expense of the owners of the adjacent lots who may refuse to do the same on five days notice from the mayor of the town; and shall regulate buildings and building material within any specified limits; it shall also have the power to regulate the charge for the carriage of persons, baggage, or freight, and issue license for the same.

Animals and fowls running at large.

Sec. 11. That the aldermen shall have power to make such ordinances as may be necessary, declaring all domestic animals or fowls running at large within the corporate limits of the said town a nuisance, and shall have power to sell same; and the aldermen may at their option impose a fine not to exceed ten dollars upon the owner or owners of such animals or fowls running at large, or may treat the same as a nuisance and have it abolished in such way as seems best in their discretion.

Abatement and removal of nuisances.

Unsafe buildings.

Sec. 12. That the board of aldermen shall have power to require and compel the abatement and removal of all nuisances within the town at the expense of the person causing same or the owner or tenant of the ground, wherever the same may be. Said board of aldermen shall have power to require the removal of all unsafe and dangerous buildings which may be within the corporate limits of the town, at the expense of the owner of the same.

Regulation of slaughter-houses and other business likely to become nuisance.

They shall have power to regulate the establishment of slaughter-houses or any and all other buildings which they may deem necessary to so do, or the exercise of any offensive or unhealthy trade, business, or employment within said town.

Quarantine powers.

Sec. 13. That the board of aldermen may take such means as may be effectual to prevent the entrance into the town of any infectious or contagious disease; may stop, detain and examine for the purpose every train, conveyance, or vehicle coming from

Hospitals.

places believed to be infected with such diseases; may establish and regulate hospitals within three miles of or within the limits

Removal of infected persons.

of the town; may cause any person or persons in the town suspected to be infected with such diseases, and whose stay may endanger the health of the citizens of the town, to be removed to

Removal or destruction of infected personal property.

such hospital or hospitals; may remove from the town or destroy any furniture or other articles which may be suspected of being tainted with or infected with contagious diseases, or where there shall be reasonable cause to apprehend that they may pass into

City physician.

such a state as to generate disease; and with the view of preserving the health of the town, a city physician may be appointed when deemed necessary.

Recovery of expense of removing to hospital and hospital services.

Sec. 14. That in any case where a person is removed to the hospital, the board of aldermen may obtain a judgment before any justice of the peace against such person for the expense of his or her removal, support, nursing, medicine and medical attention, and in case of death against his or her personal representative, and for his or her burial expenses, if the town shall incur such expense.

Sec. 15. That the board of aldermen shall have power to lay out and open streets, within the limits of said town, whenever it may be deemed necessary, and shall have power at any time to widen, change, extend, or discontinue any streets or any part or parts thereof, within the limits of said town, and shall have full power and authority to condemn, appropriate or use any lands necessary for any of the purposes named in this section: *Provided*, such town shall make a reasonable compensation for any damages done and allotted to the owner or owners thereof, upon the recommendation of a jury to allot the same. In each and every case of the kind there shall be summoned a jury of five disinterested men, who shall assess the amount of damages, and report the same to the board of aldermen. If the board of aldermen shall accept the report made, it shall pay or tender to the landowner the amount in legal tender, and thereupon the title shall become vested in said town. If the landowner shall think the amount assessed below the value of such land taken, nothing herein shall be construed so as to deprive him of his right of appeal. That the board shall have the right to take proper means to pave all sidewalks and streets they may deem necessary.

Powers as to streets.

Condemnation of land.

Proviso: reasonable compensation.

Procedure for assessment of damages.

Title vested on payment or tender of award.

Right of appeal.

Pavements.

Sec. 16. That the board of aldermen shall have power to pass such ordinances as may be necessary to prevent vagrancy and street begging; to impose punishment or penalties on such persons who habitually refuse to follow some useful trade or profession, without adequate means of support.

Vagrancy and street begging.

Sec. 17. That the board of aldermen shall have power to regulate, control, tax, or prevent the sale of spirituous liquors by drug stores in said town.

Sales of liquor by drug stores.

Sec. 18. That the board of aldermen shall have power to regulate, control, tax, and license all franchises, privileges, trades, business, professions, callings or occupations which are now or which may hereafter be taxed by the laws of the State of North Carolina, by imposing a franchise or license tax upon each and every of the aforesaid mentioned subjects in such amount as the board of aldermen may deem necessary and proper.

License tax.

Sec. 19. That the said board of aldermen shall have power and may, in its discretion, provide for a sufficient water supply for said town and a sufficient and adequate system of waterworks and sewerage and electric lights for lighting the streets, public buildings or houses of private individuals, and service, by granting a franchise and making contracts with independent corporations furnishing such utilities; that the board of aldermen shall have power to use the money collected by the means of revenue of the said town to defray the expense of said waterworks, sewerage, and electric lighting and electric power.

Waterworks, sewerage and electric lights.

Funds for expense of system.

Sec. 20. That the board of aldermen shall have power to and may construct or contract for the construction of a system of sewerage for the town, and protect and regulate the same by adequate

Construction of sewer system.

ordinances; and if it shall be necessary, in order to obtain a proper outlet for said sewerage, to extend same beyond the corporate limits of the town, then in such case the board of aldermen shall have power to so extend it, and both within and without the corporate limits of the town to condemn land for the purpose of a right of way or other requirements of the system.

Power to condemn land.

Improvement of sidewalks.

Bond issues authorized.

Limit of amount.

Denominations.

Interest.

Maturity.

Sec. 21. That the town of Mount Holly may pave and improve its sidewalks, and for the purpose of providing for such paving and improvements may, as and when the board of aldermen may determine, issue its bonds from time to time, or at one time, not exceeding in the aggregate the sum of five thousand dollars, of such denominations and in such proportions as the said board may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable annually, at such times and such place or places as may be deemed advisable by said board; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, at such place or places as the board of aldermen may determine.

Sale below par forbidden.

Specific appropriation.

Sec. 22. That none of the bonds provided for in the foregoing section shall be disposed of, either by sale, exchange, or hypothecation or otherwise, for a less price than their par value, nor shall any bonds or their proceeds be used for any other purpose than those declared in said section.

Exemption from town tax.

Coupons receivable for dues to town.

Interest to cease at maturity.

Sec. 23. That the bonds authorized to be issued by section twenty-one hereof, and their coupons, shall not be subject to taxation by said town until after they become due and tender of payment shall have been made by the town, and the coupons shall be receivable in payment of town taxes or other town dues for any fiscal year in which said coupons become due, or thereafter; and if the holder of any of said bonds or coupons shall fail to present same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Particular tax.

Limit of rate.

Collection of tax.

Tax kept separate.

Specific appropriation.

Sec. 24. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the board of aldermen of said town may annually, and at the time of levying other town taxes, levy and lay a particular tax on all persons and subjects of taxation on which said board of aldermen now are or may hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be not more than twenty-five cents on one hundred dollars assessed in valuation on property and not more than seventy-five cents on each poll. The taxes provided for in this section shall be collected in the manner and at the times other town taxes are collected, and shall be accounted for and kept separate from other town taxes, and shall be applied exclusively to the purposes for

which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase or discharge of said bonds, shall be invested so as to secure the payment at the maturity of the principal of said bonds; and to insure the due investment of the amounts collected from year to year in excess of that required to pay said interest, the board of aldermen shall appoint some suitable person, to be styled the "Commissioner of the sinking fund of the town of Mount Holly," who shall hold his office for five years, and whose duty it shall be, under such rules and regulations as said board of aldermen shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds, and to do and perform all such other services in connection with said bonds as the board of aldermen may prescribe; and such commissioner shall give bond and receive such compensation for his services as the board of aldermen may determine.

Investment of surplus.

Commissioner of sinking fund.

Term of office.

Duties of commissioner.

Bond and compensation of commissioner.

Sec. 25. That before any of the bonds herein provided for shall be issued, the question of issuing the same shall first be submitted to the qualified voters of said town, after thirty days notice in some newspaper published in Gaston County, at an election to be held under the same rules and regulations prescribed by the general election laws of the State of North Carolina. Such notice shall set forth the object for which said bonds are to be issued, the amount of the same, the rate of interest, the time when they mature, and the rate of tax to be levied and collected to pay the same. Those qualified voters approving the issue of said bonds and the levying and collecting of taxes to pay the same shall deposit in a ballot box for that purpose a written or printed ballot with the words "For Bonds" thereon, and those disapproving same shall deposit a like ballot with the words "Against Bonds" thereon. If at such election a majority of such voters shall vote "For Bonds," then said board of aldermen shall issue the bonds provided for in such notice and shall levy and order the collection of the taxes therein named and authorized by this act. Said elections may be held from time to time as the board of aldermen may determine, and if at any such election a majority of qualified voters disapprove by voting "Against Bonds," the same proposition or a different proposition may be submitted to the qualified voters at another election, under the provisions of this act.

Bond issues to be voted on.

Notice of election.

Law governing election.

Specification of notice.

Ballots.

Effect of election.

Successive elections.

Sec. 26. That the board of aldermen shall elect two of their number, and the mayor, who shall serve *ex officio*, to constitute a board of public works, whenever occasion demands, who shall have charge of all the public works and improvements of the town of Mount Holly. That this board of public works shall have power to appoint a chairman and secretary for the transaction of busi-

Board of public works.

Chairman and secretary.

Reports to aldermen.

ness, and shall make reports to the board of aldermen, from time to time, of the condition of all affairs or matters in charge of said board of public works.

Control of public works.

Sec. 27. That the said board of public works shall have sole and entire control of the management and operation of all public works: *Provided*, said board shall make no extension or enlargement of public works except on recommendation of and by direction of the board of aldermen.

Proviso: direction of aldermen.

Assessments on lands for cost of paving.

Sec. 28. That the town of Mount Holly shall have power in its discretion to assess owners of land abutting on streets paved by said town with an amount not to exceed one-half of actual cost of such paving in front of such abutting land; and that the cost thereof as herein provided for may be assessed upon such abutting property and added to the taxes on the same and collected in the same manner as other taxes or assessments are collected.

Collection of assessments.

Fire companies.

Sec. 29. That the board of aldermen may provide for the establishment of fire companies and shall provide rules and regulations for the government of the same.

Ordinances entered on minutes.

Sec. 30. That all ordinances passed by the board of aldermen shall be entered on the minutes when they are passed and recorded in a book to be kept for that purpose, which record shall state the number of the ordinance and date of its passage; and that all ordinances so passed shall be in effect from the date of its passage.

Record of ordinances.
In effect from passage.

Salaries.

Sec. 31. That the board of aldermen shall regulate the salaries of all elective or appointive officers, and shall decide the amount of salary each officer is to get.

Taxing power.

Sec. 32. That the board of aldermen shall have power to annually lay, levy, and impose and collect the following taxes, to be used for the proper government of the town, or for any and all municipal persons: On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks, and all other subjects taxed by the State of North Carolina *ad valorem*, except income taxes, a tax not exceeding fifty cents on every one hundred dollars value; on all taxable polls resident in the town on the first day of June of each year, a tax not exceeding one dollar and fifty cents on the poll.

Property tax.

Poll tax.

Collection of tax.

Sec. 33. That in the collection of all town taxes upon property or polls, the general law of the State regulating attachment and garnishment shall be applicable, and the mayor, chief of police, and assistant policemen shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such case.

Sworn returns for taxation.

Sec. 34. That the citizens of the town of Mount Holly and all others liable to be taxed under this charter shall on the first Monday in June, one thousand nine hundred and fourteen, and on the first days of June thereafter, render on oath to the clerk of the town, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be furnished by the board of aldermen, a list of their property and subjects for which they may be

liable to be taxed under the rules and penalties as are prescribed by the general law or by the provisions of this charter.

Double tax for failure to list.

Sec. 35. That if any person or company or corporation shall fail to render to the clerk the list of property or other taxables required to be rendered by this charter within the time prescribed for listing taxes as provided by this charter, such person, company, or corporation shall pay double the tax assessed on any subject for which such person, company, or corporation is liable to be taxed.

Alphabetical lists.

Sec. 36. That from the returns and lists made as is prescribed by this charter the clerk shall within thirty days after the time for listing said taxes make out in a book kept or provided for that purpose an alphabetical list of the persons, companies, or corporations or owners of property who have so made their returns in the same manner as tax lists are made out by the State and county; and the said clerk shall copy in the said book the assessments on file in the office of the register of deeds for Gaston County of all property in the corporate limits of the town.

Copy of assessments.

Collection by distress and sale.

Sec. 37. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed to forthwith collect the same by distress and sale, all sales to be made after public advertisement for the space of ten days by posting a notice in four public places in the town, or, if the same be realty, by posting notices in four public places in the town, to be advertised for the space of twenty days; and the said collector shall have the right to levy and sell any personal property situated outside the limits of the town, situated within the limits of Gaston County, belonging to a delinquent taxpayer of the town, in order to enforce the payment of taxes due the town by said delinquent.

Advertisement of sales.

Personal property outside of town.

License taxes.

Sec. 38. That in addition to the subjects listed for taxation, the aldermen shall have power to and may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the town clerk instantly, and if the same be not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed, or any other property of the owner, may forthwith be distrained and sold to satisfy the same, viz.: Upon all itinerant merchants or peddlers offering to vend in the town, and not more than one person may peddle under the single license, a tax not to exceed fifty dollars a year; upon all pool tables, bowling alleys, or any other game of play, a tax not exceeding one hundred dollars; upon every permission by the board of aldermen to druggists to sell liquors, a tax not to exceed one thousand dollars a year; upon all circuses, or company of performers, by whatever name called, a tax not to exceed fifty dollars per exhibition; upon all theatrical companies or sleight-of-hand performances, a tax not to exceed fifty dollars per exhibition; upon all other shows or performances of any nature, a tax not to exceed twenty-five dollars

Subjects of license taxes and limit of amounts.

per exhibition; upon every dog which may be kept or brought into town after the first day of June each year, a tax not to exceed two dollars a year.

Moneys paid into town treasury.

Sec. 39. That all moneys arising from taxes, penalties, and forfeitures, or any other sources whatsoever, shall be paid into the town treasury, for the town's use, and be its property, where they shall remain until lawfully appropriated by a majority of the board of aldermen in specific terms for the benefit and exclusive use of the town and the people resident therein, unless expressly provided for by this act. That all fines collected under the provisions of this act shall be paid into the county school fund.

Appropriations.

Fines to county school fund.

Pay of aldermen.

Sec. 40. That the board of aldermen shall receive for their services not more than ten dollars each, per year.

Violation of ordinances misdemeanor.

Punishment.

Sec. 41. That the violation of any of the ordinances of the town of Mount Holly passed by the board of aldermen shall be deemed a misdemeanor, and shall be punishable by a fine not to exceed fifty dollars or imprisonment for a period of thirty days.

Impeachment of officers.

Sec. 42. That the right to impeach any officer of the town of Mount Holly for malfeasance, misfeasance, or nonfeasance of any office for any offense that would disqualify any officer, shall rest with the board of aldermen, and any officer shall not be impeached without a majority of the board of aldermen so vote.

Mayor chief executive.

To preside at meetings.

Vote in cases of ties.

Special policemen.

Statements of condition of town.

Recommendations to aldermen.

Recommendations for improvements.

To countersign orders.

Power to administer oaths.

Compensation of mayor.

Term of office.

Sec. 43. That the mayor shall be the chief executive of the town; he shall preside at all meetings of the board of aldermen, but shall have no vote except in case of a tie; he shall be active in enforcing the laws and ordinances of the town; he shall have the power and authority to appoint special policemen for any occasion. He shall, when it may be deemed expedient, issue a general statement of the conditions of the town relative to its government and improvement, and shall from time to time recommend to the board of aldermen the adoption of all such measures connected with the police, security, health and cleanliness of the town as he may deem expedient; he shall recommend all needed apparatus and improvements to the board of aldermen; he shall countersign all orders of the town; he shall have full power and authority to administer oaths and affirmations; that the mayor shall receive as his compensation only such amount as the board of aldermen shall allow; that he shall hold office for a period of one year, unless removed for cause.

Mayor inferior court.

Jurisdiction.

Sec. 44. That the mayor of the town of Mount Holly is hereby constituted an inferior court with jurisdiction over all offenses arising from the violation of the provisions of this act, or of all violations of ordinances, by-laws, rules and regulations of the board of aldermen made in pursuance of this act, within the corporate limits of the said town; with jurisdiction, power, and authority which is now or may be given to the justices of the peace for the trial and determination of all criminal cases arising within the limits of the said town; and to this end he may issue warrants or

Warrants and other process.

other process, and issue a warrant for the arrest of the defendant or defendants, and have the party or parties brought before him, hear, determine, and give judgment thereon, impose fines and imprisonment, and impose penalties and forfeitures, as the case may be, and direct the enforcement thereof, subject to the limitations of this act as to the amount of such penalties or punishment; with right to appeal from the judgment or sentence of the mayor's court to the Superior Court of Gaston County, under the same provisions of law as govern an appeal from justices of the peace; that the mayor shall issue his precepts to the chief of police, assistant policeman, sheriff or other lawful officer of Gaston County, and who shall have power to execute the same anywhere in Gaston County. That he shall well and truly and faithfully keep a record of all his precepts and judicial proceedings.

Hearing and judgment. Punishments. Right of appeal. Precepts. Record of proceedings.

Sec. 45. That the mayor shall be allowed such costs as are allowed by law in similar proceedings before justices of the peace, as near as may be: *Provided, however*, that if the said mayor is allowed a salary by the board of aldermen, then all costs recovered and collected shall be turned over by the officer collecting the same within ten days after said collection to the town treasurer.

Costs allowed mayor. Proviso: costs to town treasurer if salary allowed.

Sec. 46. That all penalties and costs which may be recovered before the mayor shall be kept in a book of records, and an itemized statement of the same shall be furnished the clerk at the end of each fiscal year.

Record of penalties and costs. Annual itemized statements.

Sec. 47. That it shall be the duty of the clerk of the town to be present at all meetings of the board of aldermen; to keep and record in a book provided therefor regular and fair minutes of the proceedings of the board of aldermen, and, when thereto required, of the mayor's court; to issue all licenses and collect all license taxes; to preserve all the books, records, documents, papers, and other articles committed to his care or custody during his term of office, and deliver them in good order and condition to his successor, and generally to perform all such other duties as may be prescribed by this charter or by the board of aldermen. He shall receive as his compensation such amount as the board of aldermen shall decide that his salary should be.

Duties of town clerk. Compensation.

Sec. 48. It shall be the duty of the treasurer of the town to call on all persons who may have in their hands any moneys or securities belonging to the town of Mount Holly, which ought to be paid or delivered into the treasury, to receive and safely keep the same for the use of the town, and to disburse funds on the appropriation of the board of aldermen according to such orders as may be duly drawn on him, when countersigned by the mayor; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, together with the sources from which they came, and the purposes for which they were appropriated. During his continuance therein he shall perform all duties faithfully, which are lawfully imposed upon him as town

Treasurer to demand moneys and securities belonging to town. To receive, keep, and disburse funds. Orders for disbursements. Records and accounts.

Settlement with successor.

treasurer, and at the expiration of his term he shall deliver to his successor all the moneys, securities, book of records, and other property intrusted to him for use, safe keeping, disbursement, or otherwise. He shall render an annual statement of the financial condition of the town by advertising the same at four public places in the town, a statement of the receipts and disbursements, together with an account of all moneys on hand belonging to the town. That all warrants drawn on the treasurer shall only be issued on vouchers given therefor, by the board of aldermen, and shall be signed by the mayor, and shall state the purpose for which the money was appropriated, and the fund out of which the same is to be paid. That no claim against the town shall be paid until it is approved by the board of aldermen, and a voucher as provided in this section is issued. That the town treasurer shall receive as his compensation the amount such as the board of aldermen shall decide that his salary should be.

Advertisement of annual statement.

Vouchers.

Claims approved by aldermen.

Compensation of treasurer.

Policc to preserve peace of town.

Chief to serve precepts.

Power to summon posse.

To pay over money.

Supervisor of streets.

Powers of constables.

Sec. 49. That it shall be the duty of the chief of police and the assistant policemen to preserve the peace of the town by suppressing disturbances and apprehending all offenders; the chief of police shall serve and execute the precepts of the mayor when directed; he shall have the power to summon as many persons as may be necessary to assist him in the performance of his duties; he shall pay over to the town treasurer all the money that he may collect for the use of the town at least once every month. He shall act as supervisor of the streets of the town, and he shall be vested with the rights as are allowed constables, within the corporate limits of the town, and with such other duties as are prescribed by the provisions of this charter, or by law otherwise prescribed not inconsistent with this act. He shall receive as his compensation for his services the amount such as the board of aldermen may allow as his salary.

Compensation.

Tax collector under direction of aldermen.

Bond, duties, and compensation.

Sec. 50. That the tax collector of said town shall be under the control and direction of the board of aldermen; he shall give a bond as specified in this act for the diligent and faithful collection of the taxes due the town of Mount Holly, and for the proper accounting for and paying over to the town treasurer of all moneys that come into his hands as tax collector of the town of Mount Holly; he shall obey all lawful orders and directions of the board of aldermen of the said town. His compensation shall be the amount such as the board of aldermen may allow as his salary.

Fire chief to be present at fires.

Destruction of buildings in arrest of fires.

Care of apparatus.

Report of unsafe buildings.

Sec. 51. That it shall be the duty of the fire chief or his deputy to be present at each fire, and if he shall deem it necessary to check the progress of the fire, he may cause any house or building to be pulled or torn down or blown up, and neither he nor the town of Mount Holly shall be liable to any person thereby for damages. In addition to this, he is authorized to see that all fire apparatus is kept in first-class condition for immediate service at all times. It shall also be the duty of such officer to communicate

to the board of aldermen when a building, occupied or unoccupied, store, dwelling, stable, warehouse, within certain limits to be designated by the board of aldermen, is a menace to property, or in a dangerous or unsafe condition, and the said board shall have the power and right to summon the owner or agent of said building to appear before them and show cause why the same should not be put in proper repair or be removed; and should the said agent or owner fail to appear, or fail to repair or remove said building, then the board of aldermen shall have the power and authority to declare such building a nuisance, and order it removed at the expense of the owner. He shall receive as compensation for his services such amount as the board of aldermen shall allow.

Summons to owner to appear and show cause.

Power to condemn and remove buildings.

Compensation.

Sec. 52. That it shall be the duty of the sanitary officer to inspect all public places in the said town, and all places which might endanger the health of the people, and to report as often as is deemed expedient to the board of aldermen, and make recommendations to the board in regard to the health of the town. Said officer shall receive as compensation for his services such amount as the board will allow.

Sanitary officer to make inspections.

Reports and recommendations.

Compensation.

Sec. 53. All other offices created by the board of aldermen shall be governed by them as to duties and salaries of such offices so created.

Duties and salaries of other officers.

Sec. 54. That each of the following officers shall give a bond in such sums as the board of aldermen shall deem sufficient for such officers: Chief of police, town clerk, town treasurer, town tax collector, and the mayor.

Bonded officers.

Sec. 55. That the board of aldermen shall have power to take such methods for the enforcement of all ordinances of the town, all by-laws, rules and regulations of the board of aldermen, and of all the laws provided for in this act, and shall have the power to put to work and keep to work on the streets of said town any person or persons who may fail to pay any tax or fine, penalty or forfeiture which may be imposed upon said person or persons for the violation of any ordinance, by-law, rule or regulation of said town; and the said board of aldermen shall have authority by their ordinances and by-laws to confine, control, and manage such persons until the said fines and penalties, together with the costs thereof, are fully paid and satisfied, under such rates for labor and board as the board of aldermen may adopt: *Provided*, such rates for labor and board shall be just and reasonable.

General powers of aldermen.

Chain-gang.

Proviso: rates for labor and board.

Sec. 56. That all questions arising in the administration of the government of the town of Mount Holly and not provided for in this act shall be governed by the laws of the State in such cases made and provided.

Questions governed by general law.

Sec. 57. That in addition to the other modes of collecting taxes in this act provided, due the town, whether general or special, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court

Taxes recovered by civil action.

Foreclosure of liens.

Assessment rolls prima facie evidence.

Right of town to become purchaser.

having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as *prima facie* evidence of the statements made therein, and the town shall have the equal right to become the purchaser at all sales of property for taxes or assessment due it under judgment or otherwise.

Property of town not subject to levy.

Sec. 58. That no levy shall be made on the property belonging to the town.

Failure of officer to settle with successor misdemeanor.

Punishment.

Sec. 59. That any officer of the town who shall on demand fail to turn over to his successor in office the property, books, moneys, or other effects of such town shall be deemed guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Books, records, and proceedings open for inspection.

Sec. 60. That all books, records, and proceedings of the said town shall be open to the citizens of the town at all times for inspection.

Former liens and collections validated.

Sec. 61. That any and all taxes that have been levied by the board of aldermen of the town of Mount Holly under the former charter, and which have been or may be collected under the former charter of the town of Mount Holly, are hereby validated and made legal.

Bridges.

Sec. 62. That all bridges that have been or may be built by the Board of Commissioners of Gaston County within the limits of the corporation of the town of Mount Holly shall be kept in repair and replaced, whenever necessary, by the county board of commissioners of Gaston County.

Aldermen may borrow money.

Sec. 63. That the board of aldermen shall have the right to borrow such sums as are sufficient to meet and take care of the running expenses of the town.

When act effective.

Sec. 64. That this act shall be in force from and after the first day of July, one thousand nine hundred and thirteen.

Ratified the 3d day of March, A. D. 1913.

CHAPTER 257.

AN ACT TO AMEND CHAPTER 120 OF THE PRIVATE ACTS OF 1911, ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE CHARTER FOR ELIZABETH CITY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Boundary.

Section 1. In section two, line three thereof, strike out all after the word "creek" and before the word "track" in line nine, and insert in lieu thereof the following: "thence up the center of said creek to a point opposite the east side of Fourth Street; thence southwardly up Fourth Street to the center of the main track of the Norfolk Southern Railroad."

Sec. 2. Amend section three by striking out all after the word "creek," in line six, and before the word "track," in line ten, and insert in lieu thereof the following: "thence up the center of said creek to a point opposite the east side of Fourth Street; thence southwardly up Fourth Street to the center of the main track of the Norfolk Southern Railroad to Road Street." Boundary.

Sec. 3. Amend section six by striking out the words "at least," line four, and inserting in lieu thereof the word "but," and by striking out all of said section after the word "precinct," in line five. Polling places.

Sec. 4. Amend section forty-nine by inserting after the word "town" and before the word "and," in line six, the following: "and the board of aldermen shall make no increase in the salary of any officer or employee of the city, nor make any donation of any character, unless such additional expenditure shall be approved first by the board of control in regular meeting assembled." Increase of salary and donations to officers.

Sec. 5. Amend section fifty-seven by inserting after the word "ward," in line three, the following: "and one at large." Board of improvements.

Sec. 6. Amend section sixty-six by striking out all after the word "duties," in line eleven, and before the word "he," in line twelve, and by striking out the word "taxes," in line thirteen of said section. Tax collections.

Sec. 7. Amend section seventy-four by striking out the words "of two," in line seven, and inserting in lieu thereof the following: "not to exceed three." Salary of attorney.

Sec. 8. Amend section seventy-five by inserting after the word "him" and before the word "he," in line eleven thereof, the following: "All moneys disbursed by him for street labor shall be by voucher, numbered correspondingly with the stub, and such voucher shall recite the name of the person to whom given, the amount and the purpose for which issued, and such voucher shall be paid by the city treasurer; his salary shall not exceed nine hundred dollars per annum." Disbursements for street labor. Salary of street commissioner.

Sec. 9. Amend by striking out the word "September" in line ten and inserting in lieu thereof the word "October"; amend further by inserting after the word "year" and before the word "and," in line ten thereof, the following: "He shall make out all dog and license taxes, and shall issue the same upon the order of the city tax collector, and which order shall recite the name of the license's amount, purpose, and term of such license"; amend further by striking out the word "three," in line seventeen, and inserting in lieu thereof the word "six." Change of date. Dog and license taxes.

Sec. 10. Amend section ninety-one by striking out all after the word "collector," in line one and before the word "shall" in line two; amend by striking out the word "other" and before the word "taxes" in line four; amend further by striking out the word "except," in line four, and inserting in lieu thereof the word "including"; amend further by inserting after the word "tax" and Duties of tax collector.

before the word "he," in line four thereof, the following: "and license tax"; and amend further by inserting after the word "month" and before the word "he," in line five, the following: "He shall issue an order on the city clerk for all dog and license taxes, and such order shall recite name of license's amount, purpose and term of such license"; amend further by striking out all after the word "be" and before the word "in," in line fifteen, and inserting in lieu thereof the following: "fifteen hundred dollars per annum."

Orders for dog and license taxes.

Salary of tax collector.

License taxes.

Sec. 11. Amend section one hundred by striking out the words "one hundred," in section six, and inserting in lieu thereof the word "thirty." Amend further by striking out sections seven, eight, and ten. Amend by inserting after the word "hack" and before the word "running," in subsection twelve, the following: "or automobile." Amend further by inserting after the word "cart" and before the word "or" the word "automobile"; amend further by striking out the word "twelve," in line two in said subsection.

Amend further by striking out the word "fifty," in subsection in section nineteen, by inserting the word "ten."

Amend further by striking out the words "one hundred," in line four of subsection twenty-eight, and inserting in lieu thereof the words "twenty-five."

Amend further by striking out the words "two hundred," in line two in subsection twenty-nine, and inserting in lieu thereof the word "ten."

Amend further by striking out the word "fifty," in line two of subsection thirty, and inserting in lieu thereof the word "ten."

Amend further by striking out the word "five," in line two of subsection thirty-two, and inserting in lieu thereof the word "fifty." Amend further by striking out the word "week," in line three in subsection thirty-two, and inserting in lieu thereof the word "annum."

Amend by striking out subsection thirty-nine.

Amend subsection forty-seven by inserting after the word "chiropodist" and before the word "a," the following: "or other physical specialist."

Amend subsection forty-eight by striking out all after the word "exceed" and before the word "fifty," in line three.

Amend subsection fifty-four by striking out the word "fifty," in line three.

Amend subsection seventy-one by striking out the words "twenty-five," in line four, and inserting in lieu thereof the word "ten."

Amend subsection seventy-nine by striking out the words "twenty-five," in line two, and inserting in lieu thereof the word "ten."

Amend further by striking out section eighty-one and section eighty-eight.

Amend further by striking out the words "twenty-five," in subsection ninety-one, and inserting in lieu thereof the word "ten."

Amend subsection ninety-six by striking out all after the word "exceed," in line one and before the word "provided," and insert in lieu thereof the following: "one dollar for every cow milked at the time such license tax is due," after the word "owning" and before the word "or," in line two of subsection ninety-six, and inserting in lieu thereof the word "two."

Sec. 12. Amend section four by adding after the word "collector" and before the word "and," in line five thereof, the following: "health officer, city clerk, street commissioner."

Sec. 13. Amend section twenty-eight by adding after the word "collector" and after the word "two," in line seventeen, the following: "whoever shall receive the greatest number of votes in said town for tax collector shall be declared the city tax collector; whoever shall receive the greatest number of votes in said town for city clerk shall be declared the city clerk; whoever shall receive the greatest number of votes for street treasurer shall be declared the street commissioner."

Election of tax collector.

City clerk.

Street commissioner.

Sec. 14. Amend section forty-four by striking out the words "street commissioner" in line thirty thereof; amend further by striking out the words "health officer and clerk," in line thirty-one thereof.

Officers elected by commissioners.

Sec. 15. Amend subsection thirty-three of section forty-six by striking out the words "one dollar and twenty cents," in line seven, and inserting in lieu thereof the words "two dollars."

Charge for scavenger.

Sec. 16. That for the proper enforcement and regulation of sanitation in said city the office of sanitary inspector is hereby created; such sanitary inspector shall be selected by the board of aldermen of said city at their regular meeting in June, nineteen hundred and thirteen, and biennially thereafter, and he shall receive such salary as may be fixed by the board of aldermen.

Sanitary inspector.

Election.

Sec. 17. The sanitary inspector shall be the chief executive officer of the street cleaning department, always subject to the orders and regulations of the board of aldermen. It shall be his duty to promulgate all sanitary ordinances made by the board and be responsible for the faithful enforcement of all sanitary laws, rules and regulations that may be made by the board of aldermen or the city health officer. It shall be the duty of the said inspector to superintend all street cleaning, flushing of sewers, and the operations of the night-soil and garbage cart, and to give such orders as he may deem proper and necessary to enforce a faithful performance of such rules as may be prescribed for the proper regulation of sanitation. He shall have general supervision of the sanitary work of the city, and shall in person frequently inspect the city watershed and all dairies and slaughter-houses in the suburbs of the city, and shall closely supervise the stables of the health and street cleaning department and the dumping

Duties of sanitary inspector.

General supervision of sanitary work.

Inspection of watershed, dairies, and slaughter-houses.

grounds. It shall likewise be his duty to visit every part of the city and rigidly enforce compliance with all sanitary ordinances.

Oath of office. He shall take the oath prescribed for regular policemen, wear such

Uniform and badge. uniform or badge as the board of aldermen may direct, and shall conform to all rules and regulations established by the board of aldermen and the board of health, and perform such other duties as the said board may from time to time see proper to impose.

Regular inspections. Sec. 18. It shall be the duty of the sanitary inspector, or other police officers at least once in every month from May the first to October first, and once in sixty days from October first to May first, to make a thorough investigation of the sanitary condition

Special investigations. of the city, especially examining in person or by competent deputies all lots, privies, drains, and cellars, and see that all the ordinances of the city in regard to sanitary matters are faithfully carried out,

Reports of sanitation. and shall report all violations of the law to the mayor, and upon

Warrant to issue. the affidavit of the sanitary inspector the mayor shall issue a warrant for any person so offending.

Investigations by sanitary inspector and police. Sec. 19. It shall be the duty of the sanitary inspector or other police officers, under the direction of the mayor, to investigate the condition of the privies, back yards, and other places in the city, and notify the owner, agent, or tenant of the premises found in a

Penalty for default. filthy condition to cleanse the same. If they are not so cleansed within forty-eight hours after notice is given, the party in default shall be subject to a penalty of ten dollars, and five dollars additional for each day such nuisance shall continue.

Further sanitary regulations. Sec. 20. That for the further and proper sanitary regulation, the aldermen of said town are hereby authorized to compel all the slaughter from all meats to be sold within the corporate limits of said town to be slaughtered at a common avatory, which shall be erected according to plans and specifications to be approved by the State Board of Health, and for the maintenance of said avatory the board of aldermen of said city are authorized to charge such

Private construction. sums as to them may seem reasonable for the use thereof. The board of aldermen may in its discretion permit the private construction of such avatory, provided the prices charged for the use thereof shall be regulated by the said board of aldermen.

Violation of provisions misdemeanor. Sec. 21. That any violation of the provisions herein contained shall constitute a misdemeanor.

Sec. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 23. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 258.

AN ACT TO INCORPORATE THE TOWN OF PAMLICO.

The General Assembly of North Carolina do enact:

Section 1. That the town of Pamlico in the county of Pamlico be and the same is hereby incorporated under the name and style of "The Town of Pamlico," and shall be subject to all the provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, and shall have the benefits of and be subject to all the provisions of law in reference to incorporated towns not inconsistent with this act. Town incorporated. Corporate name. General law applicable.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Button Gut, running thence up the gut to its head; thence a direct line to Clark's corner; thence a direct line to the head of Gideans Creek; thence down Gideans Creek to Broad Creek; thence up Broad Creek to the beginning. Corporate limits.

Sec. 3. That the officers of the town shall be a mayor, three commissioners, and a constable to be elected by the commissioners, and such other officers as the commissioners may deem necessary and proper, as provided by said chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina: *Provided*, that no person shall be a mayor or commissioner of said town unless he be a qualified voter therein. Town officers. Proviso: officers to be qualified voters.

Sec. 4. That until the next regular election as provided by law for cities and towns, the mayor of said town shall be Joshua Dean. The commissioners shall be B. P. Paul, T. D. Quidley, and T. G. Wise. First officers named.

Sec. 5. That there shall be held on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, an election for mayor and commissioners for said town at some convenient place therein to be selected by the commissioners, which election shall be held by a registrar and two poll-holders, under regulations in other respects prescribed by the State election laws which from time to time may be enacted, at which election all duly qualified voters of North Carolina under the State election laws existing at the time of such elections residing in the corporate limits of said town shall be permitted to vote. Town elections. Election officers. Law governing elections.

Sec. 6. That the said commissioners shall have power to pass all by-laws, ordinances, rules and regulations for the good government of the town not inconsistent with the laws of this State or the United States, and to levy and collect a tax upon all subjects of State and general taxation, polls, real and personal property, when deemed proper by said commissioners, not to exceed an amount equal to the tax levied by the commissioners of Pamlico County for State and general purposes, and to impose fines for the violation of town ordinances and to collect the same; also to levy Powers of commissioners. Limit of tax rate. License taxes.

and collect all such license and privilege taxes as are mentioned in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina. All taxes collected shall be used by the town for town purposes.

Mayor to preside at meetings. Vote in case of tie. Chairman pro tempore.

Sec. 7. The mayor, when present, shall preside at all meetings of the board of commissioners, and shall vote only when there is a tie; and at their first meeting after organization the commissioners shall appoint one of their number as chairman *pro tempore*, who shall in the absence of the mayor preside at the meetings and perform all the duties of mayor.

Commissioners and mayor to convene within five days. Monthly meetings. Called meetings. Enforcement of attendance.

Sec. 8. That within five days after this election the commissioners and mayor shall convene for the transaction of business, and then shall fix monthly meetings for the board; and called meetings of said board may be held on the call of the mayor, and a majority of the commissioners may adopt by-laws enforcing the attendance of the members of the board.

Orders on treasurer.

Sec. 9. That all orders drawn on the treasurer by the clerk on the order of the commissioners shall be signed by the mayor and countersigned by the clerk, and the treasurer shall file all such orders as his vouchers, and at the expiration of the term of the office of treasurer he shall deliver to his successors all moneys, securities, or other property intrusted to him for safe keeping or otherwise.

Settlement of treasurer with successor.

Taxing power.

Sec. 10. That the commissioners of said town shall have power to collect all taxes by levy and sale of property as in case of the levy and sale of property in the collection of taxes by the sheriff for State and general purposes.

Lands for public buildings.

Sec. 11. That the said commissioners shall have the right to purchase and hold, in the name of the town of Pamlico, sufficient lands for the erection of necessary buildings for town purposes, town hall, town prison, and such other buildings as they may deem necessary, and may erect the same.

Street or road work in payment of fines.

Sec. 12. That the mayor shall have power to cause all persons failing to pay fines, or who shall be imprisoned for violation of any town ordinance, to work it out on the streets or on county roads; in case of working out any fines, the commissioners shall adopt the price.

Mayor and commissioners to be sworn and convene.

Sec. 13. That as soon as practicable after the ratification of this act the mayor and commissioners herein named shall take the oath of office and convene for the transaction of business.

Powers and immunities under general law.

Sec. 14. That the town of Pamlico is hereby vested with all the powers and immunities enumerated in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, and elsewhere in The Code as amended by subsequent acts of the General Assembly not inconsistent with any provisions of this act.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 259.

AN ACT TO EMPOWER THE BOARD OF TRUSTEES OF THE KINGS MOUNTAIN GRADED SCHOOL DISTRICT TO BORROW AN AMOUNT OF MONEY NOT EXCEEDING $1,000, AND TO REPAY THE SAME.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the Kings Mountain Graded School District be and are hereby authorized and empowered to borrow sums of money not exceeding one thousand dollars in aggregate to supplement the school funds of said district to enable it to continue the school term beginning September, one thousand nine hundred and twelve, for eight months. Authority to borrow money. Limit of amount. Purpose.

Sec. 2. That the board of trustees of the Kings Mountain Graded School District are authorized and empowered, and it shall be its duty to repay said loan out of the funds coming into their hands during the fiscal years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen. Payment of loan.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 260.

AN ACT TO AUTHORIZE THE TOWN OF MURPHY, CHEROKEE COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF ESTABLISHING A HYDRO-ELECTRIC PLANT.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of providing a hydro-electric light and power plant or plants for the town of Murphy, Cherokee County, the commissioners of said town of Murphy are hereby authorized and empowered to issue bonds to an amount not exceeding in the aggregate seventy-five thousand dollars, in such denominations, forms, and descriptions as said commissioners may determine, bearing interest from date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable semiannually at such times and at such places as said commissioners may determine, said bonds to be of such forms, description, and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from the date thereof, and at such place or places, as said commissioners may determine. Bond issue authorized. Amount. Denominations. Interest. Maturity.

Sale below par forbidden.

Sec. 2. That none of the bonds provided for in the above section shall be disposed of either by sale, exchange, hypothecation, or otherwise for a less price than their par value.

Coupons receivable for dues to town.

Sec. 3. That the coupons above described shall be receivable in payment of town taxes or other town dues for any fiscal year in which said coupons become due, or thereafter, and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time that they have been outstanding after maturity.

Interest to cease at maturity.

Authentication.

Sec. 4. That said bonds shall be numbered, and shall be signed by the mayor of said town and countersigned by the clerk and treasurer of said town, and shall express upon their face the purpose for which they are issued, and shall be sealed with the corporate seal of the said town. The clerk of the said town shall keep a book in which he shall keep an account of the number and denomination of said bonds issued as aforesaid, and to whom the same are payable. Said clerk shall keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in, or otherwise canceled, so that by the inspection of said book the true status of the bonded debt of the said town herein provided for may be readily ascertained. The said book shall be open at all times to the inspection of any taxpayer of the said town.

Record of bonds.

Record open for inspection.

Bonds delivered to treasurer.

Delivery to purchasers.

Sec. 5. That as soon as the said bonds are issued, signed, and countersigned as herein provided, the said commissioners shall place the same in the hands of the treasurer of said town, who shall countersign the same and deliver them to the purchaser or purchasers thereof, upon their compliance with such terms as may be designated by said commissioners by special order entered of record in their proceedings; and the said treasurer shall make out and return to the said commissioners an accurate account of the number and denomination of the said bonds and to whom and when delivered; and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, hold the said proceeds subject to the order and direction of said commissioners, and be responsible for the safe custody and keeping of said proceeds, as by law it is now provided he shall be for the custody and keeping of the moneys of said town as treasurer thereof. The said commissioners may require of the said treasurer such additional bond for the discharge of his duties under this act as they shall deem advisable, and they shall fix the amount of the compensation which he shall receive therefor.

Report of sale and delivery.

Treasurer to hold proceeds.

Responsibility of treasurer.

Additional bond of treasurer.

Compensation.

Particular tax.

Sec. 6. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the commissioners of said town shall annually and at the time of levying other town taxes, levy a particular tax on all such persons and subjects of taxation upon which the said

commissioners are now or may be hereafter authorized to lay and levy a tax for any purpose whatsoever; said tax shall be so levied and laid as to raise a sum sufficient to pay the interest upon said bonds as it becomes due, and to provide for the payment of the principal of said bonds at maturity; the said special tax shall be collected in the manner and at the time other town taxes are collected, and shall be paid over by the tax collector of said town to the treasurer of said town, and the said tax collector charged with the collection of the said tax shall give a good and sufficient bond for the collection and paying over of said tax, and the bond of the said treasurer shall be liable for the safe keeping and proper disbursement of said tax as for other town taxes paid to him, and his bond shall be fixed by the said commissioners in a sufficient sum to cover the amount of said special tax, in addition to the other town taxes: *Provided*, that the tax collector shall not receive more than two per cent for the collection of said special tax.

Amount of levy.

Collection and settlement.

Bond of tax collector.

Bond of treasurer.

Proviso: commission of tax collector.

Sec. 7. That the taxes levied and collected under the authority of this act shall be kept separate and distinct from all other taxes, and shall only be used for the purposes for which they were levied and collected, and any mayor, commissioner, treasurer, tax collector, or other officer of said town, or any other person, who shall use or appropriate said special tax or any part thereof for any other purpose than those declared in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court; and any officer of said town, or other person, who shall use or appropriate the bonds authorized to be issued by this act, or the proceeds thereof, for any other purpose than those declared herein, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Taxes kept separate.

Specific appropriation.

Diversion of funds misdemeanor.

Punishment.

Diversion of proceeds of bonds misdemeanor.

Punishment.

Sec. 8. That before any of the bonds herein authorized shall be issued, the question of issuing the same shall first be submitted to the qualified registered voters of said town at an election to be held in said town at such time as said commissioners may appoint, and said election shall be advertised for thirty days prior to the day of the election in a newspaper published in said town, and at three public places therein, and in the call for the election the commissioners shall specify for what purpose the funds arising from the sale of the bonds are to be expended, and the maximum amount of bonds which it is proposed to issue. The said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as elections for municipal officers in said town under the law governing the same at the time when the said special election may be held. At said election those qualified voters approving the issue of bonds and the levy of the special tax as herein provided, shall deposit in the ballot box a printed or written ticket with the words "For

Question to be submitted to voters.

Advertisement of election.

Law governing election.

Tickets.

Improvement Bonds" thereon, and those disapproving the same shall deposit a like ticket with the words "Against Improvement Bonds" thereon. The result of said election shall be ascertained by the officers appointed to hold the same, and they shall certify the result thereof to the commissioners of said town, who shall record the same in the minutes of the town. If a majority of the qualified voters of said town at such election shall vote "For Improvement Bonds," then the commissioners of said town shall issue the same, not to exceed the amount voted for, and shall levy the special tax as hereinbefore provided; but if a majority of the qualified voters of said town shall fail to vote "For Improvement Bonds," then this act shall be of no force and effect: *Provided*, that if the election "For Improvement Bonds" shall fail to carry by a majority of the qualified voters of said town, then the commissioners may, from time to time, in their discretion, call another election for the purpose of voting upon the question of issuing bonds, which election shall be held in the same manner as herein provided, and which, if carried, shall have the same force and effect.

Count of votes and certificate and record of result.

Effect of election.

Proviso: further elections.

Power to establish light and power plants.

Supervision and control.
Agents and employees.
Superintendent.

Rates for use.

Power to purchase and hold property.

Power to condemn land.

Proceedings for condemnation.

Sec. 9. If at the election provided for in the next preceding section a majority of the voters shall vote for the issue of the bonds, then the commissioners of said town of Murphy shall have full power and authority to establish and construct, by contract or otherwise, and at all times to maintain and operate, one or more hydro-electric light and power plants, and to have entire supervision and control of the same; to employ all such agents, servants, and employees as they may deem proper; to employ a competent superintendent or manager, fix his compensation, prescribe his duties, fix his bond and pass upon the same; and to do all other acts necessary to establish, construct, maintain, and operate said plant or plants when established. And to secure the full benefit thereof to the said town and its citizens, said commissioners shall have power and authority to charge or contract for rates for the use and privileges of said power by any person, firm, or corporation who may desire to use the same. And the said town shall have full power and right to purchase and hold such real estate and personal property within or without the corporate limits of the town, and in Cherokee and adjoining counties, as may be necessary to enable it to construct, maintain, and operate said hydro-electric plant or plants; and when it is desired to acquire any such real estate, right of way, or easement for such purposes, or for the purpose of transmission of said power into said town, whether said property is within or without the corporate limits of said town, and the commissioners and the owner of such property cannot agree upon the price thereof, then the said town shall have the right to condemn the same to its use for the purposes aforesaid in the manner now provided in the charter of said town for the condem-

nation of lands for street or other purposes: *Provided*, that an appeal from the report of the jury assessing the sum to be paid to the owner of said property as a compensation therefor shall not have the effect of hindering or delaying the immediate taking of any such property for the purposes of this act: *Provided further*, that the commissioners of said town shall have power and authority to increase the capacity of said plant or plants by issuing bonds in the manner herein prescribed for the construction of the same: *Provided always*, that the total amount of bonds issued under this act shall at no time exceed seventy-five thousand dollars. A portion of the proceeds of said bond issue may be used by the commissioners in the purchase or acquisition of any hydro-electric plant which may now be in operation in said town, as provided under the general law.

Proviso: appeal not to delay work.

Proviso: power of extension.

Proviso: total amount of bond issue.

Purchase of existing plant.

Sec. 10. All profits resulting from the operation of said plant or plants over and above the cost and expense of operation, and all surplus arising from the sale of said bonds over and above the cost of construction of said plant or plants, shall be used by said commissioners for the purpose of paying the interest or principal of the bonds above provided for, or for the purpose of paying any outstanding debts of said town, or for the purpose of defraying the necessary expense of the town.

Use of profits and surplus.

Sec. 11. That section two thousand nine hundred and seventy-seven of the Revisal of one thousand nine hundred and five is hereby repealed in so far as the same is in conflict with the provisions of this act.

Law limiting debt repealed.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 261.

AN ACT TO ALLOW THE COMMISSIONERS OF THE TOWN OF BREVARD, NORTH CAROLINA, TO ISSUE BONDS FOR THE IMPROVEMENT OF THE STREETS AND SIDEWALKS OF SAID TOWN.

Whereas, upon petition of the mayor of Brevard and the board of commissioners thereof, together with a large petition from the citizens and taxpayers of said town, requesting that means be adopted for the macadamizing or otherwise improving the streets and sidewalks of Brevard; and the said petitioners urging the great public necessity of immediate action: Now, therefore,

Preamble: petition for improvement of streets.

The General Assembly of North Carolina do enact:

Additional bond issue authorized.

Amount.

Interest.

Denominations.

Date.

Maturity.

Proviso: issue of whole or part of bonds.

Section 1. That the board of commissioners of the town of Brevard, North Carolina, is hereby authorized and empowered to issue bonds, with coupons attached, in addition to the bonds heretofore issued, in the name of the town of Brevard, to an amount not to exceed twenty-five thousand dollars, calling for interest payable semiannually at a rate not to exceed six per centum per annum, said coupons to be due and payable July first and January first in each year. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be dated as of the first day of July, one thousand nine hundred and thirteen, and shall be due and payable at a date or dates to be fixed by the aforesaid board of commissioners, not later than thirty years after date: *Provided*, the said commissioners may issue the whole or any part of the amount of the bond issue herein provided for as they may think proper.

Advertisement for sale of bonds.

Proviso: sale below par forbidden. Payment of fee or commission forbidden.

Proceeds paid to treasurer.

Specific appropriation.

Proviso: purchase not liable for application. No commission on proceeds of bonds.

Sec. 2. That in order to secure to the town of Brevard the most advantageous sale of the bonds herein authorized, the board of commissioners of said town shall advertise their sale publicly in whatever way may seem to them best calculated to secure such results: *Provided*, that in no case shall the aforesaid bonds be exchanged or sold for less than their par value; nor shall any fee or commission be paid from the proceeds of the said bonds to any agent or attorney of any person or person purchasing the said bonds, or any part thereof, for services performed in negotiating the sale of the same. But that whenever any bonds authorized by this act shall be disposed of, the proceeds thereof shall be paid by the purchaser to the treasurer of the town of Brevard, and the said proceeds shall not be used for any other purpose than that authorized in this act: *Provided, however*, that the purchaser of said bonds shall not be required to see to the application of said fund; and neither the said treasurer of the town of Brevard nor any member of the board of commissioners aforesaid shall receive or be allowed any commission on the proceeds of the bonds received by him or them, or on amounts disbursed from said proceeds.

Authentication.

Record of bonds.

Book open for inspection.

Refusal to allow inspection misdemeanor.

Sec. 3. Said bonds shall be signed by the mayor and attested by the clerk of the board of commissioners of said town and sealed with the corporate seal of the town, and the coupons shall be signed by the mayor of said town; the said clerk of the board of commissioners shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond and the name of the person to whom sold; he shall also keep an accurate account of the coupons and bonds which shall be paid, taken, or otherwise canceled, so, by an inspection of said book, a true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall at all times be open to the inspection of any taxpayer of the town of Brevard; and any clerk of the board or other officer or person

having custody of said book who shall refuse to afford such inspection shall be guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned in the discretion of the court.

Diversion of bonds or proceeds misdemeanor.

Sec. 4. Any officer or employee of the said town who shall apply the proceeds, or any part thereof, of any bond or bonds issued under the provisions of this act, or exchange any such in any other manner or for any other purpose than is provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars or imprisoned not less than eight months, or both, in the discretion of the court.

Punishment.

Special tax.

Sec. 5. That the board of commissioners of the town of Brevard shall annually levy upon the taxable property in the town of Brevard an amount sufficient to provide for the payment of the interest that may accrue upon said bonds hereby authorized to be and which may issue, and in like manner provide for the payment of the principal of said bonds at maturity by creating a sinking fund for that purpose. Said sinking fund shall be invested from year to year to the best profit and advantage to insure its prompt and immediate availability when needed to discharge the obligations herein specified.

Investment of sinking fund.

Specific appropriation of proceeds of bonds.

Sec. 6. That no part of the funds arising from the sale of the bonds issued by the said board of commissioners herein named shall be used for any other purpose than for grading, paving, and improving streets and sidewalks of said town. The first streets to be improved shall be Depot Street from the depot in the said town to Caldwell, and Caldwell Street from its intersection with Depot Street to Main Street, and Main Street from England's Street to Gaston Street; also Broad Street from Main Street to Jordan Street; and then such other streets as the board of commissioners may deem proper: *Provided*, that when any street has an unimproved sidewalk on each side of said street, the commissioners aforesaid shall not in any case pave or otherwise improve the sidewalk on one side of the said street without in like manner and with like material pave or improve the sidewalk on the other side of the said street. And any violation of this provision by any official, agent, or employee of the town of Brevard shall be construed as a violation of section four of this act, and the said official, agent, or employee shall be punished as provided for in said section.

First streets to be improved.

Proviso: sidewalks.

Punishment for violation of provision.

Sec. 7. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 262.

AN ACT TO AUTHORIZE THE CITY OF ELIZABETH CITY TO ISSUE BONDS TO ESTABLISH ELECTRIC LIGHTS, POWER, WATER AND SEWERAGE SYSTEMS FOR SAID CITY.

The General Assembly of North Carolina do enact:

Purchase or construction of light and power plant, waterworks, and sewer system authorized.

Prices for service.

Section 1. That the board of aldermen of the city of Elizabeth City, North Carolina, is hereby authorized and empowered to buy, construct, maintain, and operate an electric light and power plant for the purpose of furnishing lights and power to the inhabitants of said city; to buy, construct, maintain, and operate waterworks and sewerage systems for said city; and the said board of aldermen is authorized and empowered to charge reasonable prices for the use of said lights, power, water, and sewerage when furnished to private consumers.

Power to acquire rights of way and other property.

Power of condemnation.

Sec. 2. That the board of aldermen shall have power to acquire and hold rights of way, water and sewerage rights and other property within and without the city limits to any distance necessary for its purposes, and shall have power to condemn and take rights of way, easements, water rights and other property for the purpose of getting, storing, and maintaining and furnishing a pure and adequate water supply, and for furnishing lights, sewerage, and electric power for the city and its citizens at all times; that the proceedings in said condemnation shall be the same as are provided in chapter one hundred and twenty, Private Laws of one thousand nine hundred and eleven, the original charter of said city, or the amendments thereto.

Proceedings in condemnation.

Power to order sewer connections.

Sec. 3. That for the purposes of better ordering the sanitary conditions of said city, the said aldermen may require the citizens living along the lines of the sewer of said city to connect their drains, premises, or other pipes with said sewerage, and in all cases, when required so to do by said board of aldermen, the citizens living along the lines of said sewerage, or owning property along said lines, or in the vicinity thereof, shall connect their drains or other pipes with said sewerage, and if any person shall neglect or refuse to connect their said premises, drains, or other pipes with said sewerage, then and in that event it shall be lawful for said aldermen, after notice to said owners or their agents, which notice, in case of nonresidence, may be given in a local newspaper published in said city, for five days, to cause said premises to be properly arranged for health purposes and properly connected with the city sewerage pipes, and shall be so arranged and connected with the least possible expense to the owner consistent with all sanitary and health precautions, and the expenses of said sanitary arrangements and proper connections shall be

Enforcement of connections.

Expense a lien on property.

paid by the owner of the property so connected, and said expenses shall be a lien upon said property, premises and lots, and if not paid on demand such lot and premises, or so much thereof as is necessary, may be sold by the tax collector of the city of Elizabeth City, to pay said expenses and costs, under the same rules and regulations and restrictions as are required by law for the sale of said lands for unpaid taxes as now provided by said charter of said city and revenue laws of the State now existing or which may be hereafter enacted, and the actual cost and expenses of said arrangements and connections is hereby constituted a lien upon said property to the extent of such costs and expenses. And after such sewer connections shall have been made the board of aldermen shall have the power to require all residents of said city who may use such drain pipes and sewerage so connected with said sewerage system to subscribe, take and use the water furnished by said city for the purpose of flushing and keeping in good sanitary order their premises.

Enforcement of payment.

Power to require use of water.

Sec. 4. That for the proper management of the water, sewer, and electric light and power systems of the city of Elizabeth City, a commission, to be known as the Water and Light Commission, is hereby established. That said commission shall consist of three members (not more than two of whom shall be of the same political party), who shall hold their terms of office for six years, except that the first appointees shall hold their office as follows: W. C. Glover is hereby appointed a commissioner until the first Monday in June, one thousand nine hundred and nineteen; C. E. Kramer is hereby appointed a commissioner until the first Monday in June, one thousand nine hundred and seventeen; Mathias Owens is hereby appointed a commissioner until the first Monday in June, one thousand nine hundred and fifteen. And in case of any vacancy occurring otherwise than by the expiration of the term, the board of aldermen shall elect a member to fill out the unexpired term. At the expiration of the terms of said commissioners there shall be elected in the same manner that the mayor of the said city of Elizabeth City is now elected, a commissioner or commissioners to succeed the commissioners herein appointed, for a term of six years from and after the date of said election. That said commissioners shall be appointed from outside of the said board of aldermen, and shall be residents of said city. That no alderman of said city shall be allowed to hold office as such commissioner except such aldermen as are now appointed under this act, who, upon accepting their positions as commissioners, shall resign from the board of aldermen of which they are now members.

Water and light commission established.

Number of commissioners.

Political affiliations.

Terms of office.

Names and terms of commissioners.

Vacancies.

Election of successors.

Qualifications for commissioners.

Sec. 5. That the said commission shall organize by the election of one of its members chairman and whose term of office shall be for one year. The city clerk shall serve as clerk to said commission, and for such services he shall be paid the sum of two hundred dollars per annum. The compensation of the commissioners shall

Organization.

Clerk to commission.

Compensation of clerk and commissioners.

be two hundred dollars per annum, each, to be paid by the treasurer of the city: *Provided*, that the compensation shall not begin until such time as may be fixed by the board of aldermen, and at such time as the said commissioners and city clerk shall begin the active duties herein recited.

Proviso: beginning of payment.

Supervision and control of systems.

Rates for service.

Proviso: appeal as to rates.

Proviso: approval of contracts for purchase.

Sec. 6. That said commission shall have entire supervision and control of the construction, maintenance, extension, improvement, management of said systems, and shall fix such uniform rates for water, sewerage, and lights as they think best: *Provided*, that any person shall have the right to appeal from its decision as to rates to the board of aldermen of said city: *Provided further*, that if any negotiations shall be made for the purchase of any existing electric light, power, water or sewerage systems, no contract for the purchase of any of said systems, nor for the construction of any new systems, shall be valid unless such contract shall be approved by both the board of control and the board of aldermen of said city in joint session assembled.

Duties of commission.

Provision for proper service.

Attention to complaints.

Collection of rentals.

Sec. 7. That said commission shall faithfully see that the said systems of water, sewerage, and electric lights are orderly and properly conducted, and shall superintend and provide for the operation and management of all of said systems, and shall promptly furnish on application and service to all citizens and inhabitants who shall apply for same, and shall in all respects provide for proper service of said systems to the consumers thereof, and shall promptly attend to all complaints as to defective service, and shall cause the same to be remedied, and otherwise control and manage the said systems for the city and citizens thereof. That they shall provide for the prompt collection of all rentals for service to consumers and shall promptly and faithfully cause said rentals to be collected and received under such rules and regulations as said commission shall from time to time require, and in accordance with the ordinances of said city in such cases made and provided.

Superintendent of public works.

Engineers, firemen, and other employees.

Salaries and duties.

Removal for cause.

Vacancies.

Rules and regulations.

Sec. 8. That for the proper regulation, management, and operation of said systems the said commission may elect a superintendent of public works, for the term of two years from the date of his election, and may proceed to appoint and elect engineers, firemen, linemen, and other necessary employees for a like term, and may fix and determine their salaries and compensation and may provide from time to time the duties of said superintendent and other employees; and the said commission may remove said officers and employees at any time during their said term for misfeasance, malfeasance, or any neglect or misconduct in office, and may fill said vacancies so caused, or vacancies occurring for any other cause, until the next regular election of said officers or employees as provided for by this section. And the said commission is authorized and empowered to make all proper rules and regulations as to the use of and introduction of water into the

houses of the said city and upon any premises, and from time to time to regulate the use thereof in such manner as shall seem to them necessary and proper; and the said superintendent is hereby authorized and empowered to enter, after demand and refusal, at all reasonable hours, any dwelling or other places where such water is taken and used and where improper conditions of sewerage or connections are known or suspected, and examine and inquire into the cause thereof, and inspect said pipes; and if any person refuse to permit such examination or inspection, or obstruct such officer in the discharge of his said duty, he or they shall be guilty of a misdemeanor and fined ten dollars for each and every offense, and the supply of water may be cut off until the required examination and inspection is made, and the required alteration, repairs, and removal of obstructions from pipes shall be made thereto or such unnecessary waste prevented; and said commission is authorized and empowered to cut off the water and sewerage service to any person and from any premises where, after demand, the rental for said services is not paid as required.

Entry on premises for inspection.

Refusal to permit inspection or obstruction of officer misdemeanor.

Punishment.

Service cut off for nonpayment of rents.

Sec. 9. That the board of aldermen of the city of Elizabeth City be and it is hereby authorized and empowered to submit to a vote of the qualified voters of the said city at such time as may hereafter be fixed by said board of aldermen after thirty days notice, the question, "Shall the city of Elizabeth City, North Carolina, issue bonds in an amount not to exceed the sum of two hundred any fifty thousand dollars for the purpose of buying, constructing, maintaining, and operating an electric and power system, waterworks and sewerage system?" That the said board of aldermen of the city of Elizabeth City shall give notice of said election by publishing same in some newspaper published in the city of Elizabeth City for at least thirty days preceding the date of said election. That said election shall be held and conducted in the same manner as prescribed by law for holding elections for the members of the board of aldermen of the city of Elizabeth City, and the said board of aldermen shall appoint registrars and judges of election and other election officers and shall conduct the said election in the same manner as prescribed for the election of city officers of said city; or said board of aldermen may order said election held at the same time and in the same manner of the holding of the next regular municipal election for the election of the board of aldermen and other officers of the town of Elizabeth City. The vote shall be counted at the close of the polls and returned to said board of aldermen on the next day after said election, and said board shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board, and no other recording shall be necessary.

Question to be submitted to voters.

Notice of election.

Law governing election.

Election officers.

Election in conjunction with regular election.

Count and return of vote.

Canvass and record of result.

Sec. 10. That at said election the ballots tendered and cast by the qualified voters of the city of Elizabeth City shall have printed on them "For Bond Issue" or "Against Bond Issue." All qualified

Ballots.

voters voting in favor of bonds shall vote "For Bond Issue," and all qualified voters opposed to bonds shall vote "Against Bond Issue."

Effect of election.

Sec. 11. In the event that a majority of the qualified electors of said city shall vote for said bonds at said election, and the result shall be declared and recorded as aforesaid, the said board of aldermen and mayor shall have prepared and issued coupon bonds for an amount not to exceed two hundred and fifty thousand dollars in denomination of one thousand dollars each, bearing interest from the date of their issue at a rate not exceeding five per cent per annum, and payable semiannually. The bonds shall be payable not to exceed forty years from the date of issue. The said bonds shall be numbered, and shall be signed by the mayor of Elizabeth City and countersigned by the clerk of said city, and the official seal of said city shall be attached to each bond. The coupons shall be received in payment of all taxes and debts due the city, and said bonds shall be exempt from taxation by the said city. Said bonds shall not be sold for less than par. The money arising from the sale of said bonds shall be expended only for the purposes of buying, constructing, maintaining, and operating water, sewer, electric lights and power systems in said city of Elizabeth City.

Limit of amount.

Denominations.

Interest.

Maturity.

Authentication.

Coupons receivable for dues to city.

Bonds exempt from taxation.

Sale below par forbidden.

Specific appropriation of proceeds.

Special tax.

Sec. 12. In order to pay the interest on said bonds the mayor and board of aldermen of said city are hereby authorized, and it shall be their duty, at the time of levying other taxes for said city, to levy a sufficient special tax on all the polls and on all the real and personal property, which shall be returned or listed for general taxation in said town, observing the constitutional equation between the tax on the property and the tax on the poll; and the said tax shall be collected in like manner as the other taxes of said city, and paid into the hands of the treasurer thereof, for the purpose aforesaid. And it shall be the duty of the mayor and board of aldermen to require the tax collector and treasurer of said city to make and file justified bonds sufficient to cover the taxes which come into their hands.

Constitutional equation.

Collection and settlement.

Bonds of treasurer and tax collector.

Taxes kept separate.

Sec. 13. That the taxes levied and collected under the provisions of this act shall be kept separate and distinct from other taxes, and shall be issued only for the purpose herein provided; and if any mayor or alderman shall appropriate, by vote or otherwise, to any purpose, either directly or indirectly, other than that for which they are levied, any of said special taxes, or parts thereof (they) shall be guilty of a misdemeanor: *Provided*, that if said taxes levied and collected for the payment of interest shall in any year exceed the amount of interest accruing that year, such excess shall be applied to the interest fund of the succeeding years, and the said mayor and board of aldermen, at the time of levying the taxes for the next succeeding year, shall take into consideration the said excess, and levy the taxes for the payment of the interest on the said bonds accordingly.

Specific appropriation.

Diversion a misdemeanor.

Proviso: use of surplus.

Sec. 14. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 263.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF BOSTIC.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and fifty-three (153), Private Laws of one thousand nine hundred and nine, together with all amendatory acts thereto, be and the same is hereby amended and consolidated as follows, to wit: and the following shall be and constitute the charter of the town of Bostic, in Rutherford County: That the inhabitants of town of Bostic shall be and continue as they have heretofore, a body politic and incorporate, and in the name of the town of Bostic shall have the right to contract and be contracted with, sue and be sued, plead and be impleaded; to purchase, to receive by donation, devise, or otherwise, to hold and convey property, real, personal, or mixed. Charter and amendatory acts consolidated. Incorporation. Corporate name. Corporate rights.

Sec. 2. That the corporate limits of said town of Bostic shall be as follows: A circle, every point of which shall be one-half mile from the center of the freight "Seaboard" depot at Bostic, North Carolina. Corporate limits.

Sec. 3. The officers of said town shall consist of a mayor and five commissioners; the mayor, when present, shall preside at the meetings of the board of commissioners, but shall not be entitled to vote except in case of a tie. In the absence of the mayor, the board may appoint one of its number to act as mayor *pro tempore*. The following persons shall fill said offices until Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and until their successors shall have been elected and qualified, to wit: Mayor, J. K. Grayson; commissioners, J. S. Carson, C. D. Davis, T. C. Howell, John Harrill, E. E. Smart. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the Constitution and laws of the State of North Carolina, and shall have power to appoint a chief of police, and as many others as may be necessary, and a secretary and treasurer, who shall hold their offices until their successors are elected and qualified. Town officers. Mayor to preside at meetings. Vote in case of tie. Mayor pro tempore. Officers named. Officers to be sworn. Chief of police and secretary and treasurer.

Sec. 4. It shall be the duty of the commissioners to provide for an election to be held on the first Tuesday in May, one thousand nine hundred and fifteen, and every two years thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified. Town elections. Terms of office.

Sec. 5. That all qualified electors of the State who have been residents of the town of Bostic for sixty days prior to any election held in said town shall be entitled to vote. Voters.

Sec. 6. That the commissioners of said town shall have power to pass all ordinances, rules and regulations necessary for the good Legislative powers.

government of said town, not inconsistent with the laws of this State. They shall have power to levy and collect taxes not to exceed two dollars on the poll and not to exceed one dollar on the one hundred dollars valuation of property, real, personal, and mixed; and also shall have power to tax all other subjects of State taxation not to exceed one-half of the State tax, and shall also have power to abate nuisances and may impose such fines and penalties as may be necessary to abate them, and shall also have full control of all streets and public roads, to open and keep in repair, establish, discontinue, or change same, as may be needed for the public conveniences of the town.

Taxing powers.

Limit of rate.

License taxes.

Abatement of nuisances.

Streets and roads.

Violation of ordinances misdemeanor.

Punishment.

Sec. 7. That any and all persons violating any ordinance of the said town shall be guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of fifty dollars or imprisonment not to exceed thirty days.

Officers to be elected by commissioners.

Officers to qualify and give bond.

Compensation.

Tax collector.

Bond of tax collector.

Sec. 8. That the board of commissioners at its first meeting after being qualified shall elect a town clerk and treasurer, a chief policeman, who shall, before entering upon their respective duties, take oath before the mayor or some justice of the peace to faithfully perform and execute the duties of their respective offices, and shall give such bond for the faithful performance of their duties as the board of commissioners may deem proper; and they may receive such compensation as the board of commissioners may allow. And it shall also appoint a tax collector, whose duty it shall be to collect all taxes for said town and pay the same over to the treasurer; he also shall be required to give suitable bond for the faithful performance of his duty as tax collector, same to be approved by the board of commissioners.

Duties of clerk.

Sec. 9. The clerk shall keep a regular and fair minute of the proceedings of the board of commissioners, and preserve all books, papers, moneys, etc., committed to his care, and pay out all moneys as directed by the board of commissioners of the town, and shall keep a correct account of moneys received and from what source received, and submit such account to the board of commissioners when requested so to do, and return all books, papers, and moneys over to his successor.

Duties and compensation of mayor.

Commissioners one board.

Quorum.

Sec. 10. That the mayor shall perform such duties as may be prescribed, and he shall receive such compensation and fees as may be allowed by the board of commissioners and the ordinances of the corporation. That the commissioners shall form one board, and a majority of them shall be competent to perform any business.

Qualification of mayor and commissioners.

Sec. 11. After the mayor shall have been duly elected and qualified he shall call the commissioners elected before him within three days, and they shall then and there take an oath to discharge the duties imposed upon them by virtue of their offices as commissioners to the best of their abilities, which oath may be administered by the mayor or any person authorized to administer oaths.

Sec. 12. The mayor of town of Bostic may issue his precepts and processes to any constable, policeman, or such officer as required to execute processes issued by justices of the peace. Precepts and processes of mayor.

Sec. 13. That the mayor shall keep a true and faithful minute of the precepts issued by him and all judicial proceedings had by and before him. Minute of judicial proceedings.

Sec. 14. The mayor-elect of said town shall, within three days after notification of his election, take the oath prescribed for justices of the peace, before any person authorized to administer oaths. The mayor is hereby constituted an inferior court, and as such shall within the corporate limits of said town of Bostic have all power, jurisdiction, and authority of a justice of the peace in all criminal matters. The mayor shall further be a special criminal court within the corporate limits of said town, and is authorized to have arrested and try all persons who are charged with a misdemeanor for violating any ordinance of said town. The proceedings in said court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal; and in all cases where a defendant may be adjudged to be imprisoned by said mayor, it shall be competent and lawful for him to adjudge also that the defendant, during his confinement, shall work on the public streets or roads or other public works of said town; and it may be and shall be lawful for the mayor, when he has entered up a judgment against a defendant for fine or penalty, if the same is not paid, to order and require that such person so convicted shall work on the streets, roads, or public works of said town under the supervision of the policemen of said town, at the rate of from fifty cents to one dollar per day, as the mayor may adjudge, until the fine, penalty, and cost are paid. Mayor to qualify. Mayor an inferior court. Jurisdiction. Special criminal court. Jurisdiction. Proceedings. Right of appeal. Sentences to street or road work. Work in payment of fines and penalties. Rate of pay.

Sec. 15. That all male inhabitants of said town of Bostic between the ages of eighteen and forty-five years, except those incapacitated to perform manual labor, shall be subject to road duty, or street duty, within the corporate limits of said town, unless they be exempt from duty by the town commissioners of said town for poverty and disability: *Provided, however*, that they may pay a poll tax levied by town commissioners for road and street purposes, or work out the same on the streets or roads of said town at a per diem fixed by the town commissioners: *Provided further*, that the number of days allotted to be worked on said streets or roads shall not be less than six days, and no person shall be compelled to work on any road outside the corporate limits of said town. Street duty. Proviso: commutation. Proviso: extent of street duty.

Sec. 16. The board of commissioners of said town shall have power to open, change, widen, and discontinue streets, when promotive of the interest of the public; when the board of commissioners desire to open or to change any street already opened, they shall select five disinterested freeholders, residing in said town, to lay out and establish such streets or change existing streets, Powers of commissioners as to streets. Location and change.

who shall, upon being notified, at once proceed to locate the new or make such changes in the old streets as may have been determined by the board of commissioners of said town, and assess such damages as may be sustained by the owner of the property to be affected thereby, taking into consideration in estimating said damages the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street or streets. They shall make, within five days after notice of their election as a jury, a full written report of their action and their findings to the board of commissioners of said town, who shall cause the same to be posted at the mayor's office and three other public places in said town for four successive weeks from date of report of said jury. Any person interested may, within ten days after such notice as aforesaid, file with the secretary of the board of said commissioners a written exception to said report, and the board shall fix a time certain within five days from date of the filing of such exceptions, for a hearing and for the purpose of determining the same, and if said report shall, upon such hearing, be confirmed by the said board, any person affected by said report and confirmation may, within ten days of such confirmation, appeal to the next term of the Superior Court for Rutherford County, by filing bond and giving such notice to the board of commissioners of said town as is required by law in cases of appeal from justices' courts; and such appeal shall not stay or impede the process and progress of such improvement: *Provided*, that no interference with property so condemned or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered to the party aggrieved or his agent; in case of his failure or refusal to accept the same, the same shall be deposited with the Clerk of the Superior Court of Rutherford County, to abide the results of appeal then pending.

Assessment of damage.

Report.

Report posted.

Exceptions.

Hearing on exceptions.

Right of appeal.

Appeal not to delay work.

Proviso: payment or tender.

Money paid into court.

Sec. 17. That all laws and clauses of law in conflict with the provisions of this act are hereby repealed.

Sec. 18. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 264.

AN ACT TO INCORPORATE THE TOWN OF CALYPSO.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the present village of Calypso, Duplin County, and those living within the limits hereinafter described, are hereby incorporated as a town under the name and style of "Calypso," with all the rights, powers, privileges, and immunities and subject to all the provisions of chapter sixty-two of

Town incorporated.

Corporate name.

Corporate powers.

the Revisal of North Carolina of one thousand nine hundred and five, entitled "Towns and Cities," and any amendments thereof.

Sec. 2. That the limits of said town shall be as follows: Beginning at a point in the middle of the Atlantic Coast Line track eight hundred and eight yards north thirty-nine east from the middle point of said track immediately opposite the southwest corner of the Atlantic Coast Line depot at Calypso; thence eight hundred and eighty yards east fifty-one south to a stake; thence seventeen hundred and sixty yards south thirty-nine west to a stake and parallel with the Atlantic Coast Line track; thence seventeen hundred and sixty yards west fifty-one north to a stake; thence seventeen hundred and sixty yards north thirty-nine east to a stake and parallel with the Atlantic Coast Line track; thence eight hundred and eighty yards east thirty-nine south to the beginning, containing one mile square. Corporate limits.

Sec. 3. That there shall be elected five commissioners and a mayor for said town, who shall have all the rights, powers, privileges, and authority, and shall perform the same duties as are now authorized by the law of North Carolina; and in addition thereto, they shall have power to pass by-laws, rules, regulations, and ordinances for the government of the town not inconsistent with the laws of the State or of the United States; to impose fines and penalties for the violation of town ordinances and collect the same; to lay out, open, and name any street or streets within the corporate limits of the town by them deemed necessary; and they shall have power to levy a tax not exceeding fifteen cents on every hundred dollars worth of property and forty-five cents on every poll. Commissioners and mayor. Rights and powers. Legislative powers. Streets. Taxing power. Limit of rate.

Sec. 4. That there shall be an election for mayor and commissioners on the first Monday in May, nineteen hundred and thirteen, and every two years thereafter, according to law, and that until said election is held, J. R. Maxwell shall be mayor and W. T. Patten, John Parker, William Summerlin, F. M. Sellars, and P. S. Newton, commissioners. Town elections. Mayor and commissioners named.

Sec. 5. That the board of commissioners shall appoint a town marshal, who shall give bond for the faithful performance of his duties in the sum of one hundred dollars. The town marshal may arrest parties offending against the law within the town limits according to law, and he shall by virtue of his office be tax collector. Appointment and bond of town marshal. Powers of marshal. Tax collector.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 265.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BURGAW AS SET FORTH IN CHAPTER 174 OF THE LAWS OF THE STATE OF NORTH CAROLINA, PASSED AT ITS SESSION IN THE YEAR 1887.

The General Assembly of North Carolina do enact:

Section 1. That section fourteen of chapter one hundred and seventy-four of the Laws of the State of North Carolina, passed at its session of one thousand eight hundred and eighty-seven, be and the same is hereby amended by adding to section fourteen, immediately after the last word in said section, the following: "Any person who shall sell any beverage which shall be designated under such names as rice beer, medicated bitters, champagne cider, cherry cider, orange cider, Hyso Tidal Wave, Mott's cider, cherry bounce, or any similar drink, or any cider of any description whatever, before selling the same shall apply to the board of commissioners of the town of Burgaw for a license to sell the same; and any person who shall sell any of the articles above mentioned without first obtaining a license therefor shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars nor more than five hundred dollars, one-half of which shall go to the informant, or imprisoned not less than three months nor more than two years, in the discretion of the court. The commissioners in their discretion can grant license to such applicant upon the payment of two hundred dollars annually in advance."

Application for license to sell specified beverages.

Sale without license misdemeanor.

Fine.

One-half fine to informant. Imprisonment.

License tax.

Sec. 2. That chapter one hundred and seventy-four of the Laws of North Carolina, passed at its session of one thousand eight hundred and eighty-seven, be and the same is hereby amended by adding the following sections immediately after section nineteen of said act:

"Sec. 20. That every owner of a lot on a street in the town of Burgaw, if so ordered by the board of commissioners of said town, shall improve, curb, pave, or repair, in such manner as the board of commissioners may direct, such sidewalks as far as same may extend along such lots; and shall also, if so directed by the board of commissioners, macadamize, pave, or otherwise improve the gutters adjoining the said sidewalks with such materials and in such manner as may be required by the board of commissioners; and all work done under this section shall be done under the strict supervision of the superintendent of streets, the mayor, or of the street committee; and on failure to do such work as directed within twenty days after the notice of the superintendent of streets, the mayor, or of the chief of police to said owner, or, if he be a nonresident of the county of Pender, to his agent, or if such

Lot owners to improve sidewalks and gutters.

Supervision of work.

Work to be done by town on default of owner.

nonresident have no agent in said county known to the board or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the superintendent of streets, the mayor, or chief of police, for ten days in some newspaper published in Pender County, calling on the owner to make such repairs, the board of commissioners or superintendent of streets may cause the same to be repaired or improved as directed by the board, and two-thirds of the expense shall be paid by the owner or person in default, and one-third part by the town of Burgaw; said expense shall be a lien upon said lot, and if not paid within two months after the completion of the work, such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations, and restrictions, rights of redemption and savings as are prescribed by law for the sale of land for unpaid taxes: *Provided, however*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving ten days notice, in the manner herein prescribed, to the owner, have all the work provided for herein done by the town forces, or by contract, and charge two-thirds of the costs of such work to the abutting property, and the said charges shall be a lien as herein provided and collectible as provided above: *Provided further*, that if the property-owner shall so elect, and give notice of the fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in three equal annual installments, each installment to bear interest at the rate of six per centum per annum from the date on which the said work is done, up to the time when the same shall be due and collectible, which said date shall be the date on which the taxes are due and collectible; and in case of the failure or neglect of any property-owner to pay such installment when the same shall be due and collectible, then and in that event the said amount of said installment shall be a lien upon said property, as hereinbefore provided, and collectible as provided above: *Provided further*, that whenever the town has had any of said work done it shall give the said owner of the abutting property ten days notice of the amount charged against his said property, and if said owner is dissatisfied with the amount of the said charge he may give notice to the board of commissioners within ten days, aforesaid, that he takes an appeal to the next term of the Superior Court of Pender County, and shall within five days thereafter serve a statement of facts upon which he has based his appeal. The said appeal shall at the said term of court be tried as other actions at law, and the said owner may in like time and manner appeal from any order or act of the board of commissioners made or done under this section, but said appeal shall not delay or stop the said improvements.

Apportionment of expense.

Expense a lien on lot.

Enforcement of payment.

Proviso: work done by town for sake of uniformity.

Charge on abutting property.

Lien for charge.

Proviso: option of payment by installments.

Proviso: notice of amount of charge.

Appeal to superior court.

Trial on appeal.

Appeal not to delay action.

"Sec. 21. In addition to the above provisions, the board of commissioners may adopt ordinances imposing penalties on persons

Penalties for failure to make improvements.

failing or refusing to make the improvements and repairs mentioned in the preceding paragraph, after being directed so to do by the board of commissioners."

Sec. 22. This act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 266.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF MAXTON TO ISSUE BONDS AND LEVY A TAX TO PAY THE FLOATING INDEBTEDNESS OF SAID TOWN AND FOR OTHER PURPOSES.

Preamble: floating debt.

Desire to issue bonds and levy taxes.

Whereas the town of Maxton has contracted for necessary expenses a floating indebtedness upwards of ten thousand dollars, and the said town desires to issue bonds for the payment of said debt, and also for public improvements in said town, and desires authority to levy and collect taxes to pay the interest on same and provide a sinking fund for the payment of said bonds when the same shall become due: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Interest.

Denominations.

Section 1. That the commissioners of the town of Maxton, for the purpose of paying off a floating indebtedness of said town and for street improvements, extension of the waterworks and sewerage systems in said town, and for other public improvements, are authorized and empowered to issue bonds of the town of Maxton in an amount not to exceed twenty thousand dollars, bearing interest at a rate not to exceed six per centum per annum, of such denomination as the said commissioners shall determine, not to exceed one thousand dollars nor be less than one hundred dollars, to each and every one of which bonds shall be attached coupons representing the interest on said bonds, which bonds and coupons shall be due and payable as the said commissioners may hereafter determine; and the said bonds to be issued by said commissioners shall be consecutively numbered and the coupons shall bear the number of bond to which it is attached and shall declare the amount of interest each one represents, and when due, and shall be receivable in payment of taxes due said town by the holder of said bonds; said bonds shall in no case be sold, hypothecated, or otherwise disposed of for less than their par value, and shall run for a period of thirty years.

Coupons receivable for taxes.

Sale below par forbidden.

Maturity.

Authentication.

Sale.

Sec. 2. That the said bonds shall be issued over the signature of the mayor of the town of Maxton, witnessed by the signature of the clerk and treasurer of the commissioners of said town and attested by the official seal of the town of Maxton, and shall be sold by the mayor of said town under the direction of the commissioners.

Special tax.

Sec. 3. That for the purpose of paying the interest on said bonds as it becomes due, and of providing a sinking fund for the payment of said bonds at maturity, the said board of commissioners are hereby authorized and empowered to levy and collect a special tax annually upon all subjects of taxation which are now or may be hereafter embraced in the subjects of taxation under the charter of said town or the laws of the State, said special tax not to exceed twenty cents on the one hundred dollars worth of property and not to exceed sixty cents on each poll; such taxes shall be levied and collected in the same manner as other taxes of said town and shall be paid into the hands of the treasurer, whose bond shall at all times be sufficient to cover the accounts which may come into his hands; and as such moneys may from time to time accumulate, they may be loaned out under the supervision and by the direction of the commissioners of said town and until such time as the same may be paid in cancellation of bonds.

Limit of rate.

Levy, collection, and settlement.

Bond of treasurer.

Investment of sinking fund.

Record of bonds.

Sec. 4. That the board of commissioners of the town of Maxton shall cause their clerk to keep a record in which shall be entered the name of every purchaser of a bond, the number of the bond purchased, and the amount received therefor, and shall also cause said clerk to keep a record of all bonds redeemed, from whom purchased, and the amount paid for their redemption, and all bonds when redeemed and recorded shall be destroyed by fire in the presence of the board of commissioners by their clerk, or one of their number.

Question to be submitted to voters.

Sec. 5. But before the issuance of any bonds as herein provided for, or any taxes levied, it shall be the duty of the board of commissioners of the town of Maxton to submit to the qualified voters of said town for their determination the question of whether or not bonds as herein provided for shall be issued for the purposes aforesaid, and said commissioners are authorized to hold an election in the town of Maxton, after thirty days notice in the same manner as is provided for the election of officers of said town, at which election there shall be submitted to the qualified voters the said question; and those voters voting the issue of bonds shall vote a ballot on which shall be written or printed "For Bonds," and those opposing the issue of bonds for said purposes shall vote a ballot on which shall be written or printed "Against Bonds"; and if a majority of said qualified voters shall vote in favor of a bond issue, then the powers and authority hereinbefore conferred shall be exercised by said board of commissioners; but if a majority of said voters shall vote against a bond issue, no bonds shall be issued. If, however, a bond issue shall not be voted upon favorably, said board of commissioners may call subsequent elections, under the same rules and regulations as already prescribed.

Notice of election.

Ballots.

Effect of elections.

Subsequent elections.

Certificate and record of result.

Sec. 6. That the result of said election shall be certified by the officers holding the same to the board of commissioners of said town, at such time as they may designate, and the result shall be

recorded in the minutes of the town of Maxton and shall be held and admitted conclusive evidence of the truth of the facts therein certified.

Purchasers of bonds not responsible for application.

Sec. 7. That nothing in this act is to be so construed as to require the purchaser or purchasers of any of said bonds to see that the purchase money paid for the same is applied to the purposes prescribed for in that act.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 267.

AN ACT TO INCORPORATE COATS GRADED SCHOOL OF COATS, HARNETT COUNTY, AND TO ALLOW IT TO VOTE ON A SPECIAL TAX TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the following described territory lying and being in the county of Harnett, Grove Township, bounded as follows, to wit, beginning at the Cypress Log Ford on Black River and runs west to the avenue leading from the Joel Dening place to the William Barnes place, and with said road in a southerly direction to J. D. Avery's gate; thence a direct line to the new road at A. D. Turlington's lane, and with cart-path by R. L. Turlington's and S. G. Gardner's to the ford of Thornton's Creek, and up said creek to the mouth of the Long Branch, and up said Long Branch to the mouth of Wiggins' spring branch, and up said spring branch to E. K. Williams' and out by Pine Forest Church, and by the old cartway to the stage road near the steep bottom; thence a direct line to Akins' Ford on Black River; thence up said river to the beginning, be corporated into and established as a special-tax school district to be known as Coats Graded School of Coats, Harnett County.

Special-tax school district.

Official designation.

Names and terms of trustees.

Sec. 2. That the following persons be and they are hereby appointed trustees for said school district, as follows: P. F. Pope, B. F. Parrish, and J. A. Stewart, for a term of three years; R. M. Coats, W. J. McStewart, and A. M. Beasly, for a term of two years; N. T. Patterson, W. H. Parrish, and C. W. Bayles, for a term of one year, and until their successors are duly elected and qualified as provided in section three of this act.

Election of successors.

Vacancies.

Sec. 3. Whenever the term of office of any class shall expire, as above provided, their successors shall be elected by the remaining trustees at the last regular meeting before their term expires. All vacancies in said board of trustees caused by resignation or otherwise shall be filled by the remaining members of the board by a

majority vote thereof until the next regular election, when such vacancies shall be filled as hereinbefore provided.

Corporate name. Corporate powers. Conveyances to board. Execution of deeds and contracts.

Sec. 4. That said board of trustees of Coats Graded School shall be and remain a body corporate under that name and may adopt a common seal, and shall be capable of receiving gifts and grants, purchasing and holding property, real, personal, and mixed; selling, mortgaging, and transferring the same; may sue and be sued, plead and be impleaded. Conveyances to said board shall be to them and to their successors in office, and all deeds and mortgages and other agreements affecting real estate and all other bonds and obligations shall be sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Bond issue authorized. Amount. Denominations. Interest. Maturity. Authentication. Record of bonds.

Sec. 5. That said board of trustees are hereby authorized to issue bonds not to exceed in amount the sum of twelve thousand dollars and in denominations of one hundred dollars or multiples thereof, bearing interest from the date of bonds at a rate not to exceed six per cent per annum, payable annually on the first day of January of each year at such place as said trustees may designate until the said bonds are paid. That said bonds are to be made payable at a time and place to be fixed by said trustees and named therein, not less than ten nor more than thirty years from date of issue. Said bonds and their coupons shall be numbered and signed by the chairman of said board and countersigned by its secretary and have the corporate seal of said board affixed thereto, and the coupons attached thereto shall be signed by the chairman of said board. A record shall be kept of said bonds, showing the number and the denominations thereof, to whom sold, the dates of issuing, the amounts received from the sale of same, and such other data in relation to same that the board may direct to be kept.

Sale below par and delivery before payment forbidden. Treasurer liable on bond. Renewal of bond.

Sec. 6. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said trustees shall not deliver any of said bonds to the purchaser until the purchase money shall have been paid, and the treasurer of said board shall receive all moneys paid in for the purchase of said bonds in his official capacity as treasurer and he and his surety on his official bond shall be liable to account for and pay over the same, and it shall be the duty of the said board of trustees to see that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory and solvent sureties to provide against any loss, and to that end may at any time require said treasurer to renew his official bonds in such sums and with such sureties as they may require, and in default thereof to remove him from his office as treasurer.

Moneys kept separate.

Sec. 7. That the treasurer of said board of trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same

Appropriation of proceeds of bonds.

shall be expended by the said board in the erection of suitable buildings and furnishing the same with necessary equipments for the accommodation of the schools of said district and for such other school purposes as the school trustees may order.

Sinking fund.

Sec. 8. That it shall be the duty of the board of school trustees to provide a sinking fund for the payment of the principal of said bonds at maturity and for that purpose to set apart each year from the taxes collected a sum sufficient to pay the principal of said bonds when they mature, which shall be kept in some safe savings bank bearing interest until it can be invested to better advantage.

Payment of interest.

Sec. 9. It shall be the duty of the said board of trustees to provide each year for the payment of the interest on said bonds, and for that purpose to set apart each year from the taxes collected a sum sufficient to pay the same.

County commissioners to call election.

Sec. 10. That the board of county commissioners of Harnett County shall, upon the written request of the board of trustees of said school, within ninety days after the ratification of this act, submit to the qualified voters of the district herein created the question of issuing bonds for the purpose of erecting a school

Notice of election.

building. The said board of trustees shall give thirty days notice of said election by notices posted at five public places in said

Election officers.

district. Said board of commissioners shall appoint a registrar and two poll-holders to hold said election, and these three shall

Law governing elections.

hold the said election and shall be governed in their acts in all particulars as to registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of members

Tickets.

of the General Assembly. The qualified voters of said district shall vote at said election tickets on which shall be written or printed the words "For Bonds" or "Against Bonds," and the result of the said election shall be declared by the same rules that

Polling place.

govern the election of members of the General Assembly. That said election shall be held at the schoolhouse in said district.

Special tax if majority vote for bonds.

That if a majority of the qualified voters shall vote at said election "For Bonds," it shall be the duty of the board of county commissioners to levy at their next annual meeting for levying State and county taxes after the passage of this act, and annually

Limit of rate.

thereafter, a special tax not to exceed thirty cents on the one hundred dollars valuation of all the taxable property of said school district and not to exceed ninety cents upon each taxable

Collection.

poll. The tax so levied shall be collected as other State and county taxes are collected.

Meetings of trustees.

Sec. 11. That the said board of trustees shall meet and organize on the fourth Tuesday in March, one thousand nine hundred and thirteen, and annually thereafter, on the first Tuesday in June

Election of treasurer.

of each year, shall elect a treasurer from among their number, who shall have charge of all the moneys received and disbursed,

Monthly reports.

and shall report monthly to said board his receipts and disburse-

ments, with vouchers for the same. The said treasurer shall receive such compensation as shall be agreed upon and give such bond as may be required by said board of trustees and their successors. Compensation.

Sec. 12. That the said trustees shall have power to contract with any person or persons to erect and equip the buildings herein provided for, to employ all teachers, select all officers necessary for the management of said school, and shall have power, upon such terms as may seem just, to allow children outside of said territory to attend said school. Contract for building and equipment. Teachers and officers. Nonresident pupils.

Sec. 13. That all the public school funds derived from the State and county, together with the amount coming from the special tax above provided for, shall be by the proper officers paid to the board of trustees, as herein provided for, and shall by them be used for the benefit of the school of said district. Apportionment from general funds.

Sec. 14. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 268.

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF BURLINGTON TO ISSUE BONDS TO OBTAIN FUNDS FOR THE PURPOSE OF ERECTING AND EQUIPPING PUBLIC SCHOOL BUILDINGS IN SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the city of Burlington shall, upon the application in writing of sixty (60) qualified voters of said city, order a special election in said city upon the question of issuing the bonds of said city in a sum not in excess of the sum of forty thousand dollars ($40,000) and not less than the sum of twenty-five thousand dollars ($25,000), the exact amount of said bonds so to be issued to be specified in the petition of the freeholders requesting said special election. That in the event said petition is filed, then said special election shall be ordered held within sixty (60) days next after the presentation of said petition asking it, and before said election is held the said board of commissioners shall give notice of said election for thirty (30) days by publication thereof in some newspaper published in said city, and in said notice they shall specify the exact amount of bonds specified in the petition of the qualified voters asking the calling of said election. That said election shall be held in all respects as provided by law for the holding of elections for mayor and commissioners of said city, but for the purposes of this election said commissioners shall order and there shall be a new registration of the voters of said city. Application for election on bond issue. Limit of amount. Order for election. Notice of election. Law governing elections. New registration.

Ballots.

Sec. 2. That those in favor of issuing said bonds shall vote a ballot of white paper on which shall be written or printed the words "For School Bonds," and those opposed to issuing said bonds shall vote a ballot of white paper on which shall be written or printed the words "Against School Bonds."

Count and return of votes.

Sec. 3. The registrar and poll-holders shall tabulate and count the votes cast in said election, and shall make two copies of their

Details of returns.

returns, and said returns, in addition to showing the result of said election, shall show when and where said election was held, the number of votes registered in said election and the number of

Copies of returns.

votes cast in said election. One copy of these returns they shall within forty-eight (48) hours after the closing of the polls file with

Deposit of registration and poll books.

the Clerk of the Superior Court of Alamance County, and with this report they shall file the registration and poll books used in said election, and they shall certify as to the correctness of both of said books, and said clerk shall file said returns and registration book

Record of returns.

and poll book as a part of the records of his office, and shall record said returns in the record of elections kept in his office. The other copy of said returns the said registrar and poll-holders shall file with the clerk to the board of commissioners of said city of Burlington within forty-eight (48) hours after the closing of said polls.

Bonds issued on majority of qualified voters.

Sec. 4. If a majority of the qualified voters of said city (and only those who register for said election shall be deemed qualified voters of said city) shall have voted for school bonds, then the board of commissioners of said city shall issue the bonds of said city in the amount specified in said petition of the qualified voters

Denominations.

and in the notices of said election, issuing said bonds in denomina-

Maturity.

tions of one thousand dollars ($1,000) each, all of which bonds shall run for a term of thirty (30) years, and all of which shall

Interest.

bear interest at the rate of five per cent (5%) per annum, payable semiannually, and the bonds shall be of that kind known as coupon bonds, that is to say, so the interest payments shall be

Date of bonds.

evidenced by coupons attached to said bonds, and all of said bonds shall bear even date and shall be dated at such time within six months after the date of said election as shall be deemed best by the board of commissioners of said city, and all of said bonds and interest coupons shall be due and payable on and after maturity, and on demand, at the office of the clerk to said board of commis-

Authentication.

sioners of the city of Burlington. The bonds shall be signed by the mayor of said city, attested by the clerk to the board of commissioners, and shall have the corporate seal of said city attached. The interest coupons shall be signed only by the clerk to the board

Sale of bonds.

of commissioners of said city. When said bonds shall have been issued they shall be sold by the board of commissioners of said city

Sale below par forbidden.

at the best price which they can obtain, not to be sold for less, how-

Specific appropriation of proceeds.

ever, than the par value of said bonds, and they shall use the proceeds of said bonds for the sole and only purpose of erecting

and equipping buildings to be used as public school buildings in said city of Burlington; and said commissioners shall keep accurate account showing the amount received for said bonds and the manner in which the same is expended. Record of bonds.

Sec. 5. That at the regular time for the levying of taxes for general municipal purposes each year after said bonds are issued and sold, the said board of commissioners of said city shall levy taxes upon the property and polls of said city upon which they levy taxes for general municipal purposes in a sufficient amount to provide a sufficient sum to pay the accruing interest on said bonds and to set aside a sinking fund annually, which at the end of thirty (30) years will provide a sufficient fund for the liquidation of said bonds. This sinking fund shall be set aside by said commissioners and so invested that it shall yield the largest income, considering the safety of the investment made, and shall be in a sufficient amount so that at the end of thirty (30) years from the date of the issuing of said bonds there shall be an amount in the hands of the commissioners of said city for the retiring of said bonds equal to the par value of said bonds. Special tax. Investment of sinking funds.

Sec. 6. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 269.

AN ACT TO AUTHORIZE THE ALDERMEN OF THE CITY OF MONROE TO FUND ITS INDEBTEDNESS BY ISSUING BONDS.

Whereas the city of Monroe has contracted debts to pay the current and necessary expenses of the city government in street work, water and lights, in excess of its revenue, to an amount of twenty thousand dollars or more, and it desires to issue bonds to cover said indebtedness: Preamble: debt contracted.

The General Assembly of North Carolina do enact:

Section 1. That the aldermen of the city of Monroe are authorized to issue bonds, for the purpose of funding its current indebtedness incurred for the necessary expenses of its government, to the amount of twenty thousand dollars, bearing interest at the rate of five per cent per annum, of such denomination as the aldermen of the city of Monroe may determine; to each and every of said bonds shall be attached coupons representing the interest payable thereon, which shall be due and payable annually until the Bond issue authorized. Amount. Interest.

Maturity. bonds mature, which shall be twenty years from their date and shall be paid by the city of Monroe, and the bonds so issued shall be consecutively numbered and the coupons shall bear the number of the bonds to which they are attached and shall declare the amount of interest they represent, and when due, and shall be receivable in payment of taxes due the city of Monroe.

Coupons receivable for dues to town.

Authentication. Sec. 2. That said bonds shall be issued over the signature of the mayor and attested by the clerk of the city of Monroe, and the official seal of said city, and shall be sold by the board of aldermen at a price not less than their par value.

Sale below par forbidden.

Special tax. Sec. 3. That it shall be the duty of the board of aldermen to levy and collect, annually, as other taxes are levied and collected, a sum sufficient to pay the interest on said bonds as it becomes due and to provide a sinking fund for the payment of the bonds at their maturity, not exceeding five cents on the hundred dollars of taxable property subject to taxation in said city of Monroe and fifteen cents on each poll subject to taxation.

Limit of rate.

Record of bonds. Sec. 4. That it shall be the duty of the aldermen of the city of Monroe to cause their clerk to keep a record of the bonds sold, to whom sold, and the price paid therefor, and also a record of the bonds redeemed and from whom purchased, and when the coupons are paid; it shall be the duty of the aldermen to destroy by fire the coupons or to cause them to be so destroyed by their clerk in their presence.

Destruction of paid coupons.

Specific appropriation. Sec. 5. That the money realized from the sale of the bonds shall be used for the purpose of paying the outstanding current indebtedness of the city of Monroe, and it shall not be the duty of the purchaser of the bonds to see to the application of the money so realized.

Purchaser not liable for application.

Sec. 6. That this act shall be in force from and after the ratification thereof.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 270.

AN ACT TO INCORPORATE THE TOWN OF SEAGROVE IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated. Section 1. That the town of Seagrove, in the county of Randolph, be and the same is hereby incorporated under the name and style of "Seagrove," and that said town shall be subject to all provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, and all provisions of said chapter not inconsistent with the provisions of this act are hereby made a part of it.

Corporate name.

General law applicable.

Sec. 2. That the corporate limits of said town shall be as follows, to wit: Beginning at the depot of the Raleigh, Charlotte and Southern Railroad as center, and running thence a straight line north for one mile and straight lines south, east, and west for one-half mile, and the corporate limits of said town shall be confined within the figure formed by four lines running at right angles to said lines and extending each way till they intersect each other, respectively. Corporate limits.

Sec. 3. That the officers of said incorporation shall consist of a treasurer, mayor, constable, and five commissioners; that until Tuesday after first Monday in May, one thousand nine hundred and thirteen, D. A. Cornelison is appointed mayor of said town, and G. H. Cornelison, Frank Auman, W. J. Moore, T. N. Slack, and E. M. Brown are appointed commissioners. Town officers. First officers named.

Sec. 4. That there shall be an election for officers mentioned in this act on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, as now provided by law for elections in cities and towns in this State. Town officers.

Sec. 5. That it shall be the duty of the officers herein named, within ten days after the ratification of this act, to take proper oaths of office and enter upon the duties of such officers; that said commissioners herein appointed shall, immediately after they have qualified, appoint a constable and treasurer, who shall hold office until said election. Officers-elect to qualify and enter on duties. Constable and treasurer.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 271.

AN ACT TO INCORPORATE THE TOWN OF GULF, IN CHATHAM COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the town of Gulf, in the county of Chatham, be and the same is hereby incorporated under the name of Gulf, with all the powers incident to incorporated towns under the statutes in North Carolina. Town incorporated. Corporate name. Powers under general law.

Sec. 2. That the corporate limits of said town shall be a line one-half mile in all directions from the Presbyterian Church in said town, unless the radius from said center, that is, from said church running toward Deep River, shall be less than one-half mile on reaching the river, that is, the thread of the stream, where such radius shall intersect the same, then said thread of the stream shall be the boundary of said portion of the town, that is, wherever it shall intersect said radius before the same shall have reached a half-mile in length. Corporate limits.

Town officers. Election.

Sec. 3. That the officers of said town shall consist of a mayor, constable, and five commissioners; the mayor and commissioners to be elected by the voters of said town and the constable to be elected by the board of commissioners.

First officers named.

Sec. 4. That until the first election as provided by law shall be held, George D. Frasier is hereby appointed mayor, J. W. Beal, constable, and M. J. Jordan, R. W. Palmer, H. A. Russell, M. A. McIver, and J. W. McIntyre are appointed commissioners, to serve until their successors are elected and qualified.

Ordinances and by-laws.

Sec. 5. That said commissioners shall have power to enact ordinances and by-laws not inconsistent with the laws of the State.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 272.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE GRADED SCHOOLS OF GOLDSBORO TOWNSHIP TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Trustees incorporated. Corporate name. Corporate powers. Rights and liabilities.

Section 1. That the board of trustees of Goldsboro Graded Schools shall be and remain a body corporate under that name, and may adopt and use a common seal, and the members thereof shall be chosen in the manner now provided by law. The said corporation shall be vested with title to all of the property, real and personal, choses in action, rights in action and other rights, privileges, and powers now owned, held, and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon, the board of trustees of Goldsboro Graded School by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging, and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyances to said board of trustees shall be to them and their successors in office; and all deeds, mortgages, and other agreements affecting real estate and all bonds and obligations shall be deemed sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Power to hold and deal with property. Conveyances to trustees. Execution of deeds and bonds.

Bond issue authorized. Amount. Denominations. Interest.

Sec. 2. That the said board of trustees is hereby authorized to issue coupon bonds, not to exceed in amount the sum of forty thousand dollars ($40,000) and in denominations of one thousand dollars ($1,000) or multiples thereof, bearing interest from date of bonds at a rate not to exceed five per cent per annum, payable semiannually on the first day of January and the first day of July

of each year, at such place as said trustees may designate, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by said trustees and named therein, not to be less than twenty nor more than thirty years from date of issuing. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall bear a facsimile of the signature of the chairman of said board. A record shall be kept of the said bonds, showing the numbers and denominations thereof, and to whom sold, the dates of issuing thereof, and when the same shall mature, and the interest-bearing rate thereof, the amount received from the sale of the same, and the date of the payment of the proceeds into the treasury, and such other data in relation to the same as the board may direct to be kept.

Maturity.

Authentication.

Record of bonds.

Sec. 3. That the bonds hereby authorized to be issued shall not be sold for less than their par value, and the said board of trustees shall not deliver said bonds or any of them to the purchaser thereof until the purchase money shall be paid to the treasurer of said board and his receipt to the purchaser produced as evidence of such payment; and the treasurer of the said board shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said board, and he and the sureties on his official bond shall be liable to account for and pay over the same; and it shall be the duty of the said board of trustees to see that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of such bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as treasurer.

Sale below par and delivery before payment forbidden.

Treasurer liable on bond.

Bond of treasurer.

Sec. 4. That the treasurer of the said board of trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the purchase of land for necessary school sites, in the erection of suitable new buildings, in furnishing the same with necessary equipments and furnishings, and in repairing, furnishing, and equipping old buildings for the accommodation of the public schools of Goldsboro Township, and for such other school purposes as the trustees may order the same to be disbursed.

Proceeds of bonds kept separate.

Use of funds.

Sec. 5. That the said board of trustees shall have power to fix the compensation of the treasurer for performing the duties conferred upon him by this act.

Compensation of treasurer.

Sec. 6. That it shall be the duty of said board of trustees to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year

Sinking fund.

from the taxes collected in or moneys apportioned to Goldsboro Township for public schools a sum equal at least to three per cent of the principal of said bonds.

Payment of interest.

Sec. 7. That it shall be the duty of said board of trustees to provide each year for the payment semiannually of the interest on said bonds, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to Goldsboro Township for public schools a sum sufficient to pay the same.

Trustee for sinking fund.

Sec. 8. The said board of trustees may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee, whose duty it shall be to receive from the treasurer of said trustees the sum set apart for the purpose of paying the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, and the said board may prescribe the duties of said trustee, fix the amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of said trustee to invest or loan the money coming into his hands for the purpose of creating a sinking fund in safe securities, but no such investment or loan shall be made without the consent and approval of the chairman of said board of trustees.

Compensation and bond.

Approval of investments.

Act to be submitted to voters.

Sec. 9. That this act shall be submitted to the qualified voters of Goldsboro Township for their ratification or rejection, at an election to be held in said township at such time as the board of commissioners of Wayne County shall appoint, whenever a majority of said trustees shall act, within two years after the ratification of this act. The said election shall be advertised by the board of commissioners for thirty days prior to the day of election in one or more newspapers published in said township, and the said election shall be held as near as may be under the rules, regulations, and directions existing for the election of members of the House of Representatives. At said election those who are in favor of issuing the said bonds shall vote "Approved," and those who oppose shall vote "Not Approved," on a written or printed ballot. The number of ballots cast for and against said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Wayne County, who shall furnish to the chairman of said board of trustees a certified copy of said return, under seal, and also send a like copy of said return to the Secretary of State, which said secretary shall file in his office. If at the election a majority of the qualified voters shall vote "Approved," then the said board of trustees shall proceed at once to issue and sell said bonds or so many thereof as may be necessary in the judgment and discretion of said board for the purpose aforesaid; and the county board of commissioners of Wayne County shall levy and collect annually, in addition to the maximum tax now authorized to be levied and collected on all taxable property and polls in Goldsboro Township for maintenance and support of the Goldsboro Graded Schools, such additional

Election.

Advertisement of election.

Law governing election.

Votes.

Count of votes and certificate of result.

Certified copies of returns.

Issue and sale of bonds.

Additional special tax.

special tax on all taxable property and polls in said township for the purposes herein designated as the board of trustees of the Goldsboro Graded Schools shall certify to the said county board of commissioners to be necessary to pay the interest and provide for the sinking fund on said bonds, not to exceed five (5) cents on the one hundred dollars ($100) value of property and fifteen (15) cents on the poll, and said special tax shall be levied and collected in the same manner and at the same time as other taxes of said county and township are levied and collected. The board of county commissioners of Wayne County shall order a new registration for said election.

Limit of rate.

Levy and collection of tax.

New registration.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 273.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BOILING SPRINGS IN THE COUNTY OF CLEVELAND.

The General Assembly of North Carolina do enact:

Section 1. That section six of chapter two hundred and seventy-nine (279) of the Private Acts of one thousand nine hundred and eleven be and same is hereby amended by adding at the end thereof the following: "*Provided further*, that all taxes levied on and collected from property and polls within the corporate limits of the town of Boiling Springs shall be used for building and working roads and streets therein. That no part of the taxes collected for road purposes on property or polls outside the corporate limits of said town shall be expended on the roads and streets therein."

Proviso: use of road taxes.

Sec. 2. That section eleven of chapter two hundred and seventy-nine (279) of the Private Acts of one thousand nine hundred and eleven be and same is hereby amended by adding at the end thereof the following: "And the town council may provide by ordinances, and the mayor, in case of conviction for violations thereof, may impose judgments against offenders for labor to be performed on the streets of said town."

Chain-gang.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 274.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINEBLUFF IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Boundaries.

Section 1. That the inhabitants now or hereafter residing within the following boundaries, to wit, on the west side the west line of the fruit farms of E. Vandermeerch and others, numbered one to fourteen, inclusive, as shown by a supplementary survey and map made by Francis Deaton in the year one thousand eight hundred and ninety-four, said line beginning at the southwest corner of fruit farm number six (6) and bearing north 19 degrees 26′ east, and extending to a point one hundred feet beyond the northwest corner of fruit farm number fourteen, thence south 70 degrees 34′ east to an intersection with Juniper Branch, thence with the courses of said Juniper Branch to its junction with Aberdeen Creek, thence southeast to the east line of the right of way of the Seaboard Air Line Railway, thence southerly with the east line of said right of way to a point due east of the mouth of Forked Creek at its junction with Aberdeen Creek, thence west to the mouth of said Forked Creek, thence with the courses of said Forked Creek and the south fork of same to a point where the south line of fruit farm number six (6) extended easterly with a bearing of south 70 degrees 34′ east intersects said south fork, thence with said line to the southwest corner of said fruit farm number six (6), the point of beginning, shall be and remain a body politic and corporate under the name and style of the town of Pinebluff, and under such name and style may sue and be sued, plead and be impleaded, acquire by gift, purchase, devise, or in any other way such real estate and personal property as may be necessary, proper, or useful in carrying out this act; may hold, invest, improve, use, govern, control, and protect, and, under the hands of the mayor and two of the town commissioners, attested by the corporate seal, may sell and dispose of the same; and shall have all the powers, rights, and privileges belonging to or usually vested in or pertaining to municipal corporations. And the said corporation shall continue to have and exercise all the powers and privileges conferred in an act of the General Assembly of North Carolina entitled "An act to incorporate the town of Pinebluff," ratified on the sixth day of March, one thousand eight hundred and ninety-nine, and an act to amend such charter, ratified on the sixth day of March, one thousand nine hundred and five, and all subsequent acts supplementary thereto or amendatory thereof, not heretofore repealed or inconsistent with the provisions of this act.

Incorporation.

Corporate name.

Corporate powers.

Rights under former charter.

Present government to continue.

Sec. 2. That the present government of said town shall continue as now constituted until successors to the present officials shall

be elected and qualified as hereinafter provided, and all of the ordinances and by-laws theretofore adopted by said town shall remain in force until altered, amended, or repealed. Ordinances and by-laws to remain in force.

Sec. 3. That on Tuesday after the first Monday of May, one thousand nine hundred and thirteen, and biennially thereafter, an election shall be held in said town, under the general laws of the State governing municipal elections, to choose a mayor and three commissioners, three school trustees, three water commissioners, town clerk, treasurer, and auditor, who shall be voted for on one ballot, which may be either written or printed or partly printed, and which shall be of plain white paper, without device, four inches by eight inches in size: *Provided*, any ballot on which the name of the same person appears more than once shall be deemed invalid, and such ballot shall not be counted in making up the returns of the election. Town elections. Law governing elections. Officers to be elected. Ballots. Ballots not counted.

Sec. 4. That the mayor, town commissioners, school committee, and water commissioners shall be qualified voters of the town; all other officers elected or appointed must be *bona fide* residents of the town of Pinebluff. All officers shall hold office for two (2) years from the first Monday in June succeeding their election and until their successors are elected and qualified, and before entering upon the duties of their office shall take and subscribe to an oath of office before a magistrate, as provided by the general law of the State, and such oaths of office shall be filed with the town clerk as a part of the town records. Officers to be qualified voters. Employees to be residents. Terms of office. Oaths of office.

Sec. 5. That the commissioners shall hold regular meetings at least once in each month, in some public place, if possible. Special meetings may be held on the call of the mayor or of two commissioners. The mayor and all of the commissioners shall be notified of special meetings, except in cases of prolonged absence from town, and no other business shall be transacted at a special meeting until the particular business for which the meeting is called shall be disposed of; a majority of the commissioners shall constitute a lawful quorum to do business. In the absence of the mayor, the commissioners shall elect one of their number as mayor *pro tem.*, and such mayor *pro tem.* shall exercise all the powers of mayor during such absence or illness, and with two other commissioners shall constitute a lawful quorum to do business. Neither the mayor nor the mayor *pro tem.* shall vote except in case of a tie. In case of a vacancy in the office of commissioners after election, the commissioners shall fill the vacancy: *Provided*, that if from any cause the number of commissioners shall become reduced below the number necessary to a quorum, the Clerk of the Superior Court of Moore County shall have authority to appoint a sufficient number of commissioners to make up a lawful quorum, who shall hold the said offices until the next general election of commissioners. Regular meetings. Special meetings. Notice of special meetings. Business at special meetings. Quorum. Mayor pro tem. Quorum. Vote in case of tie. Vacancies. Proviso: appointment if number falls below quorum.

Legislative powers.

Sec. 6. That the commissioners of said town shall have authority to pass all necessary by-laws and ordinances for the proper government of the town, and to enforce the same by means of suitable fines and penalties. Among the powers specifically conferred upon the commissioners are the following: They shall exercise police powers one-half mile outside the town limits in every direction; they may take necessary steps to guard against the introduction and spread of infectious and contagious diseases; to declare nuisances all domestic animals either running at large or confined in the town, and to prescribe the conditions under which they may be kept, or to prohibit and abate same totally; to prescribe conditions under which may be established or conducted business enterprises of an offensive, dangerous, or unhealthful nature, or to prohibit same totally; to restrict or prohibit the sale in town of cigarettes and cigarette paper and of medicinal mixtures containing more than twenty per cent of alcohol; to prescribe conditions under which may be sold and used firearms of all kinds, including toy guns and pistols and air-guns, brass knuckles, loaded canes, dirks, bowie and other knives used as weapons, ammunition and fireworks, not inconsistent with the general laws of the State; to levy an annual license tax on dogs owned or kept within the town, not exceeding one dollar on males and two dollars on females, and they may require the owners to cause the dogs to wear a suitable tag or check to indicate the payment of the license tax; to govern the placing and maintenance of stoves, stovepipes, flues and chimneys; to prevent fast driving in the streets of the town, and cruelty to animals, such as violence, neglect, or overloading; to encourage the planting of shade trees and the use of wide-tired vehicles in the town by granting, in their discretion, an abatement or discount on poll and *ad valorem* taxes not exceeding five per cent to such taxpayers as comply with the conditions which the commissioners may prescribe thereto; to take necessary measures to prevent and extinguish conflagrations; to prohibit all interference with a due observance of the Sabbath; to maintain peace and good order in town, to prohibit gambling or other vice.

Powers specifically confirmed.

Powers as to streets, alleys, parks, and commons.

Sec. 7. The board of commissioners shall have full power and authority to lay out, open, grade, remove obstructions from and keep in repair the streets, alleys, parks, and commons within the corporate limits of the town in such manner as, in their judgment, may be necessary or advisable; and they shall likewise have full power and authority to widen, enlarge, make narrow or smaller, straighten, change, extend, close or discontinue any street, alley, park, or common within the corporate limits of the town whenever and in such manner as, in their judgment, the public good or convenience may require it. Whenever in the exercise of such powers they may deem it necessary, they may acquire land for the use of the public by gift, dedication, purchase, or by right of eminent domain. That the commissioners shall have the further

Powers in acquirement of land.

Powers as to sidewalks.

right to cause sidewalks to be cleaned and repaired, and new sidewalks established, when deemed necessary, and to recover from the owner or occupier of lots against which sidewalks have been established, repaired, or cleaned, the expense of said work, when done by the town, which expense shall be a lien on the lot: *Provided*, that the owner shall have thirty days notice of the intention of the board to perform such work.

Expense a lien on lot.

Proviso: notice to owner.

Sec. 8. In event the board of commissioners shall deem it necessary or desirable to condemn land, the same shall be done in the manner following: The board of commissioners shall pass a resolution describing the land to be taken, the purpose for which it is to be taken, and the public need therefor, and shall at the same time designate one person to act as appraiser of the damages to be sustained by the owner of the land. A copy of this resolution and appointment of the appraiser shall be served upon the owner in the manner prescribed by law for the service of notices. The owner may thereupon, within three days after such service upon him, appoint in writing one person to act as appraiser of the damage to be sustained. Should he fail or refuse to make such appointment in the time limited, the mayor of the town shall appoint such appraiser. The two appraisers thus chosen shall select a third, and these three shall view the land to be taken and assess the damages to be sustained by the owner. In computing the damages, they may take into consideration the benefits and the advantages to the owner by the proposed public improvement, and assess the damage at the net amount after deducting the value of such benefits and advantages to the owner. They, or a majority of them, shall make a report in writing of their action and file same with the mayor, who shall forthwith cause a copy of the same to be served upon the owner; and either the board of commissioners or the owner may, within ten days after such service, appeal to the Superior Court of Moore County, where the matter shall be reviewed as in other civil actions. The amount of damage assessed by the appraisers, or found by judgment in the Superior Court shall be paid by the board of commissioners in such reasonable time as the said board or the Superior Court may order. The report of the appraisers, or the judgment of the Superior Court on appeal, shall have the force and effect of a conveyance of the land to the town of Pinebluff for the use of the public, and shall be entered upon the records kept by the board of commissioners and recorded in the office of the Register of Deeds of Moore County. An appeal to the Superior Court shall not have the effect of staying work upon the public improvement contemplated by the board of commissioners, but they may enter upon such land and proceed with the said improvement. Each of said appraisers shall be a resident of the town, competent to serve on the jury, and shall receive one dollar per day for the time actually engaged in assessing such damages, as compensation for his services.

Procedure for condemnation of land.

Right of appeal.

Payment of award.

Report of appraisers or judgment of court to have force and effect of conveyance.

Record.

Appeal not to delay work.

Qualification and pay of appraisers.

Building inspectors.

Sec. 9. That the commissioners shall have authority to establish a board of building inspection, and to require that plans and estimates for the erection, repair, or alteration of buildings within the corporate limits shall be submitted to such board of building inspection in all cases where the estimated cost of such erection, repair, or alteration exceeds twenty-five dollars, and that such plans shall be approved by such board, and a building license or permit issued, for which a fee or license tax not exceeding twenty-five cents may be collected before it shall be lawful to commence work under such plans; and such work shall be subject to the supervision and shall conform to the requirements of the said board.

Approval of plans and issue of permit.

Fee.

Supervision of work.

Protection of water supply.

Sec. 10. That the commissioners shall have power to guard against the contamination of wells, springs, and other sources of water supply by governing the establishment or maintenance of privies, privy vaults, water-closets, drains, sewers, or cesspools, and by declaring a nuisance or prohibiting all deposits of filth, garbage, waste, manure heaps, sewage, waste water, or other offensive or unhealthful substances, and to require any person responsible for the establishment or maintenance of anything declared a nuisance or prohibited under the provisions of this section to remove or abate same at his own expense, by the imposition of suitable fines or penalties.

Abatement of nuisance.

Election of health officer.

Sec. 11. That the commissioners shall have the power to elect a health officer, who, with two commissioners chosen for that purpose by the board of commissioners, shall constitute a board of health, which board shall be responsible for the sanitary condition of the town, and shall have authority to enforce their rulings and ordinances by means of suitable fines and penalties.

Board of health.

Enforcement of rulings and orders.

Officers to be elected and duty prescribed by commissioners.

Sec. 12. That the commissioners shall have the authority to elect and prescribe the duties of the following officers: an assessor or tax lister, tax collector, constable, one or more policemen or marshals, and such other officers as may be necessary to properly administer the government of the town. These officers shall hold office during the term of the board of commissioners which elects them and until their successors shall be elected and qualified, and may be removed from office by a two-thirds vote of the commissioners. The commissioners shall require a reasonable bond of such officers as act as custodians of the public money.

Terms of office.

Removal.

Bond of officers.

School tax.

Limit of rate.

Sec. 13. That the commissioners shall continue to levy and collect annually a school tax not exceeding thirty cents on each one hundred dollars value of real and personal property and ninety cents on each taxable poll, within the corporation, as ordered by vote of the qualified voters of said town at an election held November eighth, one thousand nine hundred and four, under the provisions of section seventy-one of the general school law of the State in effect at that date, and in addition thereto shall have authority to levy and collect annually, for the general expenses of

Tax for general purposes.

the town and for all purposes necessary to the public welfare, not inconsistent with the Constitution and laws of the State, a tax on all subjects of taxation not exceeding one dollar on each one hundred dollars valuation of real and personal property and three dollars on each taxable poll within the corporation. That the commissioners shall have authority to levy and collect annually a special water-bond tax for the purpose of providing for the payment of the interest and principal of the issue of town water bonds ordered by a vote of the qualified voters of said town at an election held November fifth, one thousand nine hundred and twelve, such levy not to exceed twenty-five cents on each one hundred dollars of taxable property and seventy-five cents on each taxable poll. The town commissioners shall levy and collect annually so much of the school tax provided for herein (not exceeding thirty cents on each one hundred dollars of taxable property and ninety cents on each taxable poll) as the trustees of the Pinebluff Graded School District may certify to them is necessary to maintain an eight-months school within the school year; and the tax collector shall pay over to the treasurer of the school trustees, monthly, all the money collected from this tax.

Limit of rate.

Special water-bond tax.

Limit of rate.

Certificate for levy of school tax.

Settlement of school tax.

Sec. 14. That the commissioners shall have authority to impose an annual license or privilege tax on all subjects, privileges, trades and professions as the general laws of the State permit, and in addition thereto shall be empowered to control all hack, dray, and livery business in the town, including the regulating of fares or tariffs, by the imposition of an annual license tax not exceeding one dollar per head on each animal used in such hack, dray, or livery business; and they may, in their discretion, impose a license tax not exceeding five dollars per annum on nonresident persons peddling within the corporate limits.

License taxes.

Transfer regulations.

Nonresident peddlers.

Sec. 15. That the commissioners of said town shall constitute a board of assessment and equalization, operating under the general laws of the State governing the assessment, levy, and collection of State and county taxes, in so far as such laws properly apply to the assessment, levy, and collection of town taxes. That it shall be the duty of the commissioners to place annually in the hands of the tax collector, not later than August fifteenth, a duplicate tax list for the collection of town taxes. That all taxes shall be due on the first of September of the year in which they are levied. That all taxes not paid before January first following the levy of the same shall be liable to ten per cent penalty. That the tax collector of said town shall have the same power to enforce the payment of town taxes by seizure and sale of property as are conferred on the sheriff of the county by the general laws of the State: *Provided*, any sale of real property for unpaid taxes shall be held by the tax collector on the Wednesday following the first Monday in May.

Board of assessment and equalization.

Delivery of tax list to collector.

When taxes due.

Penalty for nonpayment.

Collection by distress.

Proviso: time for sale of real estate.

Moneys applied to school fund.

Sec. 16. That the proceeds of the sales of any stray stock, and all fines and penalties collected, shall be applied to the school fund.

Records and papers open to inspection.

That all town records, tax lists, correspondence, and town books and papers of whatever nature shall be open to public inspection during reasonable hours, and that the refusal on the part of any town official to exhibit any town records or documents in his custody, in violation of the foregoing, shall be deemed a misdemeanor and punished as such.

Refusal to exhibit records misdemeanor.

Interest of officers in contracts forbidden.

That the commissioners shall not enter into any contract with the mayor or any commissioner for the furnishing of town supplies or the performance of town work.

Questions to be submitted to voters.

Sec. 17. That upon the petition by one-third of the qualified voters of said town, the commissioners shall cause an election to be held under the laws of the State governing municipal elections, to submit to the qualified voters of the town such question or proposition as may be embodied in the petition, such as a proposition to apply to the town school fund the income from all license or privilege taxes, or to make an appropriation from the general tax fund for the purpose of advertising the town as a resort, or to make an appropriation from the general tax fund to the school fund, or any other question or proposition for which a petition may be presented as above provided.

Effect of election.

And if at any such election a majority of the qualified voters shall vote in approval of the question submitted, then it shall be the duty of the commissioners to take such steps and make such enactments, without unreasonable delay, as shall be necessary to put in force and operation the order of the qualified voters thus expressed, and such order shall be deemed to be in effect until it shall be repealed in like manner by a majority vote of the qualified voters:

Continuance of order.

Proviso: time for elections.

Provided, any special election held under the provisions of this section may be held on the occasion of the municipal or general election, but otherwise shall not be held within sixty days of any municipal or general election; and no question or proposition shall be submitted to the qualified voters under the provisions of this section designed to repeal, or having the effect of repealing, any of the provisions of this act, as ratified by the General Assembly.

Questions not to be submitted.

Prohibition law.

Sec. 18. That the prohibitory liquor law adopted by popular vote in Sandhills Township in the year one thousand eight hundred and eighty-seven shall continue in full force and effect in the town of Pinebluff, and for a distance of one mile in every direction outside thereof, and that the commissioners shall have authority to prohibit the manufacture and sale, within the territory above defined, of wine, cider, bounce, bitters, and other intoxicating compounds not specifically mentioned.

Fiscal year.

Sec. 19. That the town fiscal year shall commence on June first of each year.

Mayor to preside at meetings. Mayor's court.

Sec. 20. That the mayor shall preside at all meetings of the town commissioners; he shall hold mayor's court as provided by chapter seventy-three of the Revisal of one thousand nine hundred and

five, and shall make a monthly report of the conditions in the town and have authority to enforce all rules and ordinances of the town. Monthly reports. Authority.

Sec. 21. The town ordinances shall be enacted only after two weeks notice and shall not be effective until twenty days after enactment, and after having been posted in three public places in town. When ordinances effective.

Sec. 22. That the town treasurer shall make a monthly report to the town commissioners of the financial condition of the town, and shall annually make a transcript from his financial accounts. He shall keep separate accounts of the water bonds, the water-loan sinking fund, and with the water commissioners, and at the end of each fiscal year shall pay into the water-loan sinking fund all surplus money in his custody from the account with the water commissioners. Town treasurer to report monthly. Annual transcript of account. Separate accounts. Payments to water-loan sinking fund.

Sec. 23. That the auditor shall have authority to audit all bills against the town, and no order shall be drawn on the treasurer until indorsed by him as correct; he shall have constant access to the books of all town officers, and shall at the end of each fiscal year, May thirty-first, audit the books of all town officers and make a written report to the town commissioners. Audit and approval of bills. Auditor to have access to books. Examination of books. Report.

Sec. 24. That the town clerk shall keep a true record of the meetings of the commissioners, have the custody of all the books, papers, correspondence, and records and seal of the town, and perform such other duties as the town commissioners shall prescribe. Duties of town clerk.

Sec. 25. That the board of water commissioners shall have full power in the management of the town water department to decide on the water supply, distribution of water pipes, purchasing supplies, making and collecting water rates, and all things necessary to properly conduct the department. All moneys collected by the board of water commissioners shall be paid over monthly to the town treasurer, who shall pay all orders drawn upon him by the board of water commissioners, when signed by its chairman and secretary and approved by the auditor, out of the funds credited to the water department. The water commissioners shall make a detailed report and financial statement at the end of each fiscal year. Board of water commissioners. Management of department. Monthly settlements. Orders on water fund. Annual report.

Sec. 26. That the town commissioners shall act as a board of "water-loan sinking fund commissioners," and the town treasurer shall be *ex officio* treasurer of the water-loan sinking fund. That the said board shall have full power and control of said fund and shall receive all surplus moneys from the water commissioners annually, and all moneys voted by the town commissioners to be placed in the sinking fund. They shall invest such funds only in State, county, and town bonds of this State, or any *bona fide* interest-bearing evidences of indebtedness of the town of Pine-bluff; shall deposit same in a chartered State savings bank. Water-loan sinking fund commissioners and treasurer. Control of fund. Investments of fund. Deposits.

Purchase of bonds. Whenever there are sufficient funds in the sinking fund, they shall purchase, if possible, Pinebluff water bonds at par or less.

Bureau of vital statistics. Sec. 27. That the town commissioners shall within sixty days after the ratification of this act establish a bureau of vital statistics, in which shall be kept a record of all births, marriages, and deaths occurring within the corporate limits of the town, and they shall have authority to enact suitable ordinances to insure the furnishing by physicians, magistrates, clergymen, and undertakers of the information necessary to make such records full and complete. In the case of births of living children, the record shall show the name, age, and place of birth of each parent, and whether naturalized citizens, if not native born, and the sex and name of the child, and whether or not afflicted with any deformity or pronounced blemish. In case of marriage, the record shall show such information regarding the contracting parties and their parents as are contained in a legally complete marriage license and certificate of marriage, including the name of the officiating clergyman or magistrate. In case of deaths, the record shall show the name, age, sex, residence, race, place of birth, name of parents, guardian or nearest surviving relative, and date and cause of death, and whether or not interment is made within the town.

Ordinances for enforcement of reports.

Details of record of births.

Details of record of marriages.

Details of death records.

Vacancy for non-attendance. Sec. 28. That upon the failure upon the part of the mayor or any commissioner to attend three successive meetings of the board of commissioners, without good and sufficient reason, the commissioners shall have authority to declare vacant the seat of such official, and to proceed to elect his successor.

Violation of law or ordinance misdemeanor. Sec. 29. That the violation of any of the provisions of this act, or any enactment in accordance therewith, shall be deemed a misdemeanor, punishable by fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

Punishment.

Sec. 30. That all laws and clauses of laws, so far as they are in conflict with this act, are hereby repealed.

Sec. 31. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 275.

AN ACT TO INCORPORATE THE TOWN OF NEWLAND, IN THE COUNTY OF AVERY.

The General Assembly of North Carolina do enact:

Town incorporated. Section 1. That the town of Newland, in the county of Avery, be and the same is hereby incorporated under the name and style of "Newland," and the inhabitants thereof shall be subject to all the provisions in the laws of North Carolina in reference to

Corporate name.

Application of general law.

incorporated towns and not inconsistent with the provisions of this act; and chapter seventy-three of the Revisal of North Carolina of one thousand nine hundred and five shall apply to the said town of Newland.

Corporate limits.

Sec. 2. That the corporate limits of said town are as follows, to wit: Beginning at the courthouse in the town of Newland and to run one hundred and twenty rods in each and every direction from said courthouse (the center of said town) to the corporate limits; that is to say, the corporate limits of said town shall be a radius of one hundred and twenty rods from the courthouse.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and three aldermen; the mayor, when present, shall preside at the meetings of said aldermen and shall not be entitled to vote except in case of a tie. In absence of the mayor, the board may appoint one of its number to act as mayor *pro tempore;* and the following named persons shall fill the said offices until the first Monday in May, one thousand nine hundred and thirteen, and until their successors are elected and duly qualified, to wit: Mayor, R. W. Wall; aldermen, M. W. Clay, E. H. Morris, and T. M. Vance. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the Constitution and the laws of the State of North Carolina, and shall have power to appoint a chief of police, and as many others as may be necessary, and a secretary and treasurer, who shall hold their offices until their successors are appointed or elected and duly qualified.

Mayor to preside at meetings of aldermen.

Vote in case of tie.

Mayor pro tempore.

First officers named.

Officers to qualify.

Chief of police and secretary and treasurer.

Terms of office.

Town elections.

Sec. 4. That it shall be the duty of the town aldermen to provide for an election to be held on the first Monday in May, one thousand nine hundred and thirteen, and annually thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified.

Terms of officers.

Voters.

Sec. 5. All qualified electors of the State who have been residents of the town for sixty days prior to any election in said town shall be entitled to vote for the officers of said town.

Legislative powers.

Sec. 6. That the aldermen of said town shall have power to pass all ordinances, rules and regulations necessary for the government of said town not inconsistent with the laws of the State of North Carolina. They shall have power to levy and collect a tax of not exceeding forty-five cents on the hundred dollars valuation of all real, personal, and mixed property, and also shall have power to tax all other subjects of State taxation, not to exceed one-half the State tax; and shall also have power to collect privilege taxes on all trades and professions; and to levy a capitation or poll tax on all citizens of said town liable to a poll tax under the laws of the State of North Carolina, not to exceed the sum of one dollar and thirty-five cents, and shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate the same, and shall also have full

Property tax.

License taxes.

Poll tax.

Nuisances.

Streets and roads.

control of the streets and public roads, to open out and keep in repair such as are needed for the public convenience of said town, and may also provide for the working of all able-bodied male citizens of said town between the ages of eighteen and forty-five years, being residents of said town, upon the public roads and streets of said town, not exceeding the term of six days in each year, as provided by the laws of the State of North Carolina as enacted by the General Assembly of North Carolina at the session of one thousand nine hundred and thirteen, as the same applies to the working and keeping in repair of public roads in the county of Avery.

Street duty.

Violation of ordinance misdemeanor.

Punishment.

Imprisonment or street work for fines and penalties.

Sec. 7. That any person violating any ordinance of said town shall be guilty of a misdemeanor, but the punishment thereof, upon conviction, shall not exceed a fine of fifty dollars or imprisonment not exceeding thirty days; that any person or persons convicted in any court of competent jurisdiction in the said town of Newland, upon default in the payment of any fine or cost imposed under the provisions of this act, may be imprisoned in the common jail of said county, and worked upon the roads and streets of said town, under such rules and regulations as may be prescribed by the aldermen of said town, and at such compensation per day as may be fixed by the said aldermen, until all such fines and costs shall have been paid: *Provided, however*, that the said term of imprisonment and time such persons may be detained for default in the payment of the fines and costs hereinabove mentioned shall not exceed a term of thirty days.

Proviso: limit of detention.

Town clerk and treasurer and chief policeman.

Oath and compensation.

Tax collector.

Sec. 8. That the board of aldermen, at its first meeting after being qualified, shall elect a town clerk and treasurer, a chief policeman, who shall, before entering upon their duties, take an oath before the mayor or some justice of the peace to faithfully execute the duties of their respective offices; and they may receive such compensation as the board of aldermen may allow; and it shall also appoint a tax collector, whose duty it shall be to collect all the taxes for the town and pay the same over to the treasurer.

Duties of clerk.

Sec. 9. That the clerk shall keep a regular and fair minute of the proceedings of the board of aldermen, and preserve all books, papers, and moneys committed to his charge, and pay out all moneys as directed by the board of aldermen of said town, and to keep a correct account of all moneys received, and from what source received, and submit said accounts to the board of aldermen when required, and return all books, papers, and moneys over to his successor.

Duties and compensation of mayor.

Proviso: mayor ex officio clerk and treasurer.

Sec. 10. That the mayor shall perform such duties as may be prescribed, and he shall receive such compensation and fees as may be allowed by the board of aldermen and the ordinances of said corporation: *Provided, however*, that the said mayor shall be *ex officio* clerk and treasurer of said town unless otherwise provided and ordered by the board of aldermen.

Sec. 11. That after the mayor shall have been duly elected and qualified, he shall call the aldermen elected before him within five days, and they shall then and there take an oath to discharge the duties imposed upon them by virtue of their office as aldermen, to the best of their ability, which oath may be administered by the mayor or person authorized by law to administer oaths. Mayor to call aldermen for qualification.

Sec. 12. That the mayor of the said town of Newland may issue his process to any constable, policeman, or such officers as are required by law to execute process issued by a justice of the peace. Process of mayor.

Sec. 13. That the mayor shall keep a true and faithful record of all precepts and process issued by him and all his judicial proceedings, which shall at all times be open to the inspection of the public, and shall report to the clerk of the Superior Court, under his hand and seal, a true, perfect, and accurate record or statement of all criminal proceedings in his court to each term of the Superior Court of the county of Avery, which shall at all times be subject to inspection and review in the Superior Court on the motion of the solicitor for the judicial district in which the county of Avery may be. Dockets of mayor. Dockets open to inspection. Reports to superior court.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 276.

AN ACT TO INCORPORATE THE TOWN OF BAKERSVILLE, IN THE COUNTY OF MITCHELL.

The General Assembly of North Carolina do enact:

Section 1. That the town of Bakersville, in the county of Mitchell, be and the same is hereby incorporated under the name and style of the "Town of Bakersville," and the inhabitants thereof shall be subject to all the provisions in the laws of North Carolina in reference to incorporated towns and not inconsistent with the provisions of this act; and chapter seventy-three of the Revisal of one thousand nine hundred and five shall apply to said town of Bakersville in so far as the same is not inconsistent with this act. Town incorporated. Corporate name. General law applicable.

Sec. 2. That the corporate limits of said town shall be as follows: One mile and a quarter, east, west, north, and south from the courthouse, then a line shall be marked, one commencing at the terminus of the mile and a quarter, running from the courthouse to the terminus of the mile and a quarter north of the courthouse, thence to the terminus of the mile and a quarter west of the court- Corporate limits.

house, thence to the terminus of the mile and a quarter south of the courthouse, thence to the terminus of the mile and a quarter east of the courthouse, to the beginning.

Town officers.

Mayor to preside at meetings of commissioners.

Mayor pro tempore.

First officers named.

Oath of office.

Town constable.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners and a town constable. The mayor when present shall preside at the meetings of said board of commissioners, but shall not be entitled to a vote. In the absence of the mayor, the board may appoint one of its members to act as mayor *pro tempore;* and the following named persons shall fill said offices until the first Tuesday in May, one thousand nine hundred and fourteen, and until their successors are elected and qualified, viz.: Mayor, John C. McBee, commissioners, Reuben J. Young, John D. Braswell, and Charles E. Greene. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the Constitution and the laws of the State of North Carolina, and said board shall have power and it shall be its duty to appoint or elect a town constable, who shall hold said office until his successor is elected or appointed by said board of commissioners.

Date for meeting and organization.

Appointment and salary of constable.

Town elections.

Term of office.

Notice of election.

Sec. 4. That it shall be the duty of the commissioners and mayor to meet, qualify, and organize their said board on the first Tuesday in April, one thousand nine hundred and thirteen, and on said day shall appoint or hire a town constable, whose salary the said commissioners will fix. It shall also be the duty of the said mayor and town commissioners to provide for an election to be held on the first Tuesday of May, one thousand nine hundred and fourteen, and every two years thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected or appointed and qualified. That notice of thirty days shall be given by the mayor of said election.

Voters.

Sec. 5. That all resident citizens within said corporation who have resided in the State for twelve months and in the county ninety days, and within said corporation thirty days previous to the election, shall be entitled to vote at said election.

Legislative powers.

Tax rate.

Abatement of nuisances.

Roads and streets

Sec. 6. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this State. They shall have power to levy and collect a tax not to exceed two dollars and twenty-five cents on the poll and not to exceed seventy-five cents on the one hundred dollars valuation of all property, real, personal and mixed; and also shall have power to tax all other subjects of State taxation not to exceed one-half of the State tax; and shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them, and shall also have complete control of the public roads and streets, to open out and keep in repair such as are needed for the public convenience of the town.

Sec. 7. That it shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and sidewalks and in keeping them in good order, and for any other purpose for the good government and improvement of the town. Expenditures.

Sec. 8. That any person violating any ordinance which said commissioners may pass shall be guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of fifty dollars or imprisonment not to exceed thirty days. Violation of ordinance misdemeanor. Punishment.

Sec. 9. That the commissioners, when organized, shall have power to appoint a secretary and elect a town constable; said constable to give bond payable to the State of North Carolina in the sum of five hundred dollars for the faithful performance of his duties. Appointment of secretary and constable. Bond of constable.

Sec. 10. That the mayor, when elected and qualified, shall have the same power to all intents and purposes that any justice of the peace has. Judicial powers of mayor.

Sec. 11. That the mayor of the town of Bakersville may issue his precepts to any constable, policeman, or such other officers as are required to execute processes issued by a justice of the peace. Issue of precepts.

Sec. 12. That the mayor-elect of said town shall, within three days after the notification of his election, take the oath before any officer prescribed to administer oaths. The mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of the said town of Bakersville, have all the powers, jurisdiction, and authority of a justice of the peace in all criminal matters. The mayor shall further be a special criminal court within the corporate limits of said town, and is authorized to have arrested and try all persons who are charged with a misdemeanor for violating any ordinances of said town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be right of appeal; and in all cases where a defendant may be adjudged to be imprisoned by the said mayor, it shall be lawful and competent for him to adjudge also that the defendant, during his confinement, shall work on the public streets or roads or other public works of said town; and it may be and shall be lawful for the mayor, when he has entered a judgment against a defendant for fine or penalty, if the same is not paid, to order and require that such person or persons so convicted shall work on the streets or public roads or public works, under the supervision of the town constable, at the rate of fifty cents to one dollar per day, as the mayor may adjudge, until the fine, penalty, and costs are paid. Time for mayor to qualify. Inferior court. Jurisdiction. Special criminal court. Jurisdiction. Proceedings. Right of appeal. Sentences to road work. Work in payment of fines and penalties. Rate of allowance for work.

Sec. 13. That all male inhabitants of said town of Bakersville between the ages of eighteen and forty-five years shall be subject to road and street duty within the limits of said town, unless they be exempt from duty by the town commissioners for poverty and disabilities: *Provided, however*, that they may pay a certain Persons subject to road duty. Proviso: commutation.

amount to be fixed by the town commissioners in lieu of said work: *Provided further*, that the number of days allotted to be worked on said streets and roads shall not be less than the time fixed by law for the working of the public roads in the county of Mitchell, and no person shall be compelled to work on said roads outside of the town limits.

Proviso: extent of road duty.

Tax on waterworks abrogated.

Sec. 14. That section three thousand and fifty-seven of the Revisal of one thousand nine hundred and five, from the word "for," in line nineteen, as affecting the said town of Bakersville, to end of section, is hereby repealed.

Sec. 15. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 16. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 277.

AN ACT TO AMEND THE CHARTER OF BISCOE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town boundary.

Section 1. That section two of chapter twenty-four of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by adding in line two, after the word "and," where it appears the first time in said line, and before the word "south," in the said line, the following: "three-fourths of a mile."

Sec. 2. That this act shall be in effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 278.

AN ACT TO AUTHORIZE THE TOWN OF SNOW HILL TO ISSUE ELECTRIC LIGHT BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That for the purpose of installing and equipping an electric light plant for lighting the streets of the town of Snow Hill and furnishing lights for its citizens, the board of commissioners or other governing body of said town is hereby authorized and empowered to issue bonds of said town in an amount not to exceed ten thousand dollars.

Amount.

Sec. 2. That the said bonds shall be coupon bonds and shall be issued in such denominations as may be determined by the board of commissioners of said town and shall mature thirty years from their date, and said bonds may be issued by the said board of commissioners without submitting the question to the qualified voters of said town. Coupon bonds. Denominations. Maturity.

Sec. 3. That said bonds shall bear interest at a rate not greater than six per cent per annum, payable annually, and the said bonds shall in no case be sold, hypothecated, or otherwise disposed of at less than their par value; and the board of commissioners may fix by resolution the date of said bonds and the place of the payment thereof, and may by such resolution prescribe the form of said bonds and all other matters in relation thereto not fixed herein. Interest. Sale below par forbidden. Date of bonds and place of payment.

Sec. 4. That said bonds and coupons shall be numbered and signed by the mayor of said town and countersigned by the town clerk. That for the purpose of paying said bonds at maturity and the coupons as they become due, the board of commissioners is hereby authorized and empowered to levy and collect each year a sufficient special tax upon all subjects of taxation embraced in the subjects of taxation under the charter of said town and in the same manner and at the same time as other taxes are collected under said charter, and that the taxes collected under this act for the payment of said bonds and interest coupons shall be used for no other purpose. Authentication. Special tax. Specific appropriation.

Sec. 5. That the purchaser or holder of any of said bonds shall not be required to see to the application of the proceeds of the same. Purchaser not responsible for application.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 279.

AN ACT TO INCORPORATE SCHOOL DISTRICT, No. 4, OF BLACK RIVER TOWNSHIP, HARNETT COUNTY, AND TO ALLOW IT TO VOTE ON A SPECIAL TAX TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the following described territory lying and being in the county of Harnett, Black River Township, to wit, beginning at the Wake County line, near W. R. Page's, and runs about south down the path near A. C. W. Carter's; thence easterly the path by A. C. W. Carter's house to the road leading from Angier to J. R. Young's; thence southerly the path to N. H. Gardner's old mill; thence southwesterly the path to S. H. Stephenson's old Boundary.

place; thence westerly the path through E. H. Gardner's lane to the run of Black River; thence down the run of Black River to the mouth of the branch which runs between J. L. Johnson's old home place and where he now lives; thence up said branch to the Covenant Road; thence up said road to Norman Nordan's place; thence southerly down the path by Joseph Nordan's residence to his and C. W. Flowers' line; thence a direct line to the path in front of J. T. Nordan's residence; thence westerly with said path to Neil Jones' road; thence northerly with said road to the head of the branch at the old sawdust pile; thence down said branch to Kinney's Creek; thence up Kinney's Creek to the mouth of Long Branch; thence up said branch to the Wake County line; thence easterly with said line to the beginning, be incorporated into and established as a special-tax school district, to be known as School District, Number Four, of Black River Township, Harnett County.

Incorporation.

Corporate name.

County commissioners to order election.

Sec. 2. That the board of county commissioners of Harnett County shall, upon written request of the board of trustees of said school, within ninety days after the ratification of this bill, submit to the qualified voters of the district above created the question of establishing a special-tax school district. The said county commissioners shall give thirty days notice of said election by notices posted at four public places in the said district. Said board of county commissioners shall select three qualified voters of said district, one of whom they shall appoint registrar and the other two poll-holders, to hold said election, and shall be governed in their acts in all particulars as to registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of members of the General Assembly. The qualified voters of said district shall vote at said election tickets on which shall be printed or written the words "For School Tax" or "Against School Tax," and the result of the said election shall be declared by the same rules that govern the election of members of the General Assembly. That said election shall be held at the schoolhouse in said district. That if a majority of the qualified voters shall vote at said election "For School Tax" it shall be the duty of the board of county commissioners to levy at their next annual meeting for levying State and county taxes after the passage of this act, and annually thereafter, a special tax not to exceed thirty cents on the one hundred dollars valuation of all the taxable property of said school district and not to exceed ninety cents upon each taxable poll. The tax so levied shall be collected as other State and county taxes are collected.

Notice of election.

Election officers.

Law governing elections.

Tickets.

Declaration of result.

Polling place.

Special tax.

Limit of rate.

Collection.

Settlement of tax.

Sec. 4. That said tax shall be promptly paid over by the sheriff of said county to the treasurer of the board of trustees of the said school.

Trustees named.

Sec. 5. That the following persons be and they are hereby appointed trustees for said school district, as follows: W. H. Stephenson, W. H. Gregory, C. S. Adams, C. R. Young, B. F. Williams,

J. A. Hockaday, R. D. Overby, and J. L. Johnson, who, as soon as practicable after the ratification of this act, shall meet and elect one of their number as chairman and another as secretary and another as treasurer, and shall divide themselves by lot into three classes, one class to hold two years, one to hold four years, and one class to hold six years, and until their successors are duly elected and qualified as provided in section six of this act. To meet and organize. Terms of office.

Sec. 6. Whenever the term of office of any class shall expire, as above provided, their successors shall be elected by the remaining trustees at the last regular meeting before their terms expire. All vacancies in said board of trustees caused by resignation or otherwise shall be filled by the remaining members of the board by a majority vote thereof until the next regular election, when such vacancies shall be filled as hereinbefore provided. Election of successors. Vacancies.

Sec. 7. That said board of trustees of Number Four District shall be and remain a body corporate under that name, and may adopt a common seal and shall be capable of receiving gifts and grants, purchasing and holding property, real, personal, or mixed; selling, mortgaging, and transferring the same; may sue and be sued, plead and be impleaded. Conveyances to said board shall be to them and to their successors in office, and all deeds and mortgages and other agreements affecting real estate, and all other bonds and obligations shall be sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation. Trustees incorporated. Corporate name. Corporate powers. Conveyances to board. Execution of deeds and mortgages.

Sec. 8. That said board of trustees are hereby authorized to issue coupon bonds not to exceed in amount the sum of fifteen thousand dollars and in denominations of one hundred dollars or multiples thereof, bearing interest from the date of bonds at a rate not to exceed six per cent per annum, payable annually on the first day of January of each year, at such place as said trustees may designate, until the said bonds are paid. That said bonds are to be made payable at a time and place to be fixed by said trustees and named therein, not less than five nor more than thirty years from the date of issue. Said bonds and their coupons shall be numbered and signed by the chairman of said board and countersigned by its secretary and have the corporate seal of said board affixed thereto, and the coupons attached thereto shall be signed by the chairman of said board. A record shall be kept of said bonds, showing the number and the denominations thereof, to whom sold, the dates of issuing, the amounts received from the sale of same, and such other data in relation to same that the board may direct to be kept. Bond issue authorized. Amount. Denominations. Interest. Maturity. Authentication. Record of bonds.

Sec. 9. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said trustees shall not deliver any of said bonds to the purchaser until the purchase money shall have been paid; and the treasurer of said board shall receive all moneys paid in for the purchase of said bonds in his official Sale below par and delivery before payment forbidden. Treasurer liable on bond.

capacity as treasurer, and he and his surety on his official bond shall be liable to account for and pay over the same, and it shall be the duty of the said board of trustees to see that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory and solvent sureties to provide against any loss, and to that end may at any time require said treasurer to renew his official bonds in such sums and with such sureties as they may require, and in default thereof to remove him from his office as treasurer.

Bond of treasurer.

Moneys kept separate.

Expenditures of funds.

Sec. 10. That the treasurer of said board of trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the erection of suitable buildings and furnishing the same with necessary equipments for the accommodation of the schools of said district and for such other school purposes as the school trustees may order.

Sinking fund.

Sec. 11. That it shall be the duty of the board of trustees to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected a sum sufficient to pay the principal of said bonds when they mature, which shall be kept in some safe savings-bank, bearing interest, until it can be invested to better advantage.

Deposit of sinking fund.

Payment of interest.

Sec. 12. It shall be the duty of the said board of trustees to provide each year for the payment of the interest on said bonds, and for that purpose to set apart each year from the taxes collected a sum sufficient to pay the same.

Election on bonds.

Sec. 13. The question of issuing said bonds shall be submitted to the qualified voters of the district described in this act at the same election to be held under the provisions of this act for the purpose of voting on the question of a special school tax in said district, and on the same date. The said election shall be advertised by the trustees for thirty days prior to the day of election in a newspaper published in Harnett County and by notices posted in five public places in said district, and the said election shall be held under such rules and regulations as prevail in the election of members of the General Assembly. At said election those who are in favor of issuing bonds shall vote a written or printed ballot with the words "For Bonds" upon it, and those opposed to issuing bonds shall vote a written or printed ballot with the words "Against Bonds" upon it. The number of ballots cast for and against said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Harnett County, who shall furnish the chairman of the said board of trustees a certified copy of said returns under seal. If at the election a majority of the qualified voters of said district shall vote for bonds, then the said board of trustees shall proceed at once to issue and sell said bonds for the purposes aforesaid.

Advertisement of election.

Law governing election.

Ballots.

Count and certificate of result.

Certified copy.

Trustees to issue and sell bonds.

Sec. 14. That said board of trustees shall meet and organize on the fourth Tuesday in March, one thousand nine hundred and thirteen, and annually thereafter, on the first Tuesday in June of each year, shall elect a treasurer from among their number, who shall have charge of all the moneys received and disbursed, and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive such compensation as shall be agreed upon and give such bond as may be required by said board of trustees and their successors. Date for organization of trustees. Date for election of treasurer. Monthly reports. Compensation and bond.

Sec. 15. That the said trustees shall have power to contract with any person or persons to erect and equip the buildings herein provided for, to employ all teachers, select all officers necessary for the management of said school, and shall have power, upon such terms as may seem just, to allow children outside of said territory to attend said school. Contract for buildings. Teachers and officers. Nonresident pupils.

Sec. 16. That all public school funds derived from the State and county, together with the amount coming from the special tax above provided for, shall be by the proper officers paid to the board of trustees, as herein provided for, and shall by them be used for the benefit of the school of said district. Apportionment from public school funds.

Sec. 17. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 280.

AN ACT TO INCORPORATE THE BEAUFORT TERMINAL RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That E. C. Duncan of Wake County, North Carolina, William B. Rodman and Morris S. Hawkins, and such other persons as may be associated with them, are hereby created and declared a body politic and corporate, with perpetual succession under the name and style of Beaufort Terminal Railroad Company, and in that name may sue and be sued, plead and be impleaded, in any court in this State, contract and be contracted with, and shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift, or in any other way, real or personal property, and of holding, leasing, conveying, or in any other manner dealing with the same for any of the purposes hereinafter enumerated; and said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or of the State of North Carolina. Corporators. Incorporation. Corporate name. Corporate powers.

Power to build and operate railroad.

Telegraph and telephone lines. Termini.

Navigable waters.

Sec. 2. Said company, upon organization as herein provided for, shall have the power to construct, maintain, and operate a railroad and telegraph and telephone lines from Beaufort in the county of Carteret, State of North Carolina, to a point at or near Cape Lookout in said county of Carteret, and in connection therewith to cross with its railroad and telegraph and telephone lines any navigable waters between said points by means of bridges, trestles, or otherwise.

Occupations authorized.

Sec. 3. Said company shall have power to engage in the business, within or without this State, of buying, selling, dealing in, mining and quarrying stone, rock, coal, and other similar materials, and to engage in the business of manufacturing and producing lime, cement, and other building materials of every description, and to acquire by purchase, lease, or otherwise, and to own, hold, lease, sell, or otherwise dispose of, any and all real and personal property necessary or convenient for use in connection with any of said purposes.

Power to hold property.

Powers as construction company.

Sec. 4. Said company shall have the power to contract for the construction and to carry on the business of constructing docks, wharves, piers, and buildings of every kind and description, and to let or sublet any and all contracts for any such construction.

Capital stock.

Shares.

Right of increase.

Shares.

Proviso: conditions for increase.

Sec. 5. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars, par value, each, which may be increased from time to time by vote of a majority of its shareholders to an amount not exceeding five millions dollars, divided into shares of one hundred dollars each: *Provided*, that any increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such application to be accompanied by a receipt from the State Treasurer for taxes, prescribed in chapter twenty-one, subchapter fourteen, of the Revisal of one thousand nine hundred and five, for increase of capital stock. Each share subscribed shall be entitled to one vote in all meetings of the stockholders of said company, and five thousand dollars shall be the minimum subscription upon which said company may be organized.

Stock vote.

Minimum subscription.

Call of meeting for organization.

Directors and other officers.

President and other officers.

By-laws.

Annual meetings.

Sec. 6. The incorporators may, when they deem proper, after twenty days notice to subscribers, call together the subscribers of said shares of stock at any place in or out of the State, and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit, and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of said company prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors may adopt by-laws not inconsistent with the laws of the United States or of the State of North Carolina. The stockholders shall

meet annually at the time fixed by the by-laws for the election of directors, but if the day of the annual election should under any circumstances pass without any election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Issue and transfer of stock.

Sec. 7. The company shall issue certificates of stock to its members. Said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Power of purchase and consolidation.

Sec. 8. Said company shall have power to take by purchase, lease, or otherwise the railroad, franchises, and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere, and shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon.

Power of sale.

Sec. 9. Said company shall have power to sell its railroad, property, and franchises, or any part thereof, to any other railroad within or without this State, and the road so purchasing the railroad, property, and franchises of this company shall hold, own, and enjoy the same as though they had been originally held and constructed by the railroad so purchasing or acquiring the same.

Assignment or lease of railroad.

This company may assign or lease its railroad, property, and franchises, or any part thereof, to any other railroad within or without this State: *Provided*, that nothing in this act shall be construed to allow this company to become the channel through which any competing railroad companies shall consolidate.

Proviso: competing lines.

Subscriptions to other companies.

Sec. 10. Said company may subscribe to the capital stock of any other corporation now in existence or hereafter organized in this State or elsewhere and hold shares in the same, and any other railroad company within or without this State may subscribe for and hold the shares of the capital stock of this company. It shall have power to use any section or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon.

Subscriptions of other companies.

Sections of roads.

Right to cross public roads and railroads.

Sec. 11. Said company shall have the right to construct their said road across any public road or across other railroads in the manner provided for by law.

Power to condemn land.

Sec. 12. Whenever from any cause said company cannot agree with the owners of land over which the railroad shall go for the purchase of the land for right of way, yards, shops, depots, or other railway purposes, said company may proceed to condemn and enter the same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto. The right of said company to condemn and take land under this act shall be limited to the space of not less than fifty feet on each side of their roadbed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track; but for yards, shops,

Procedure.

Extent of condemnation.

and depots, they may condemn as much land as may be necessary for such purposes to properly care for the business expected to be handled by the company.

Bond issues.

Sec. 13. Said company may issue bonds in such denominations and running for such time and bearing interest at such a rate and payable at such times and places as the board of directors may decide, to be sold or hypothecated in such manner as the board of directors shall approve, and to secure the payment of the same, said company is authorized to execute a mortgage or mortgages to such person or corporation as the company may select on all of its real and personal property, together with all its franchises and privileges.

Mortgages.

Stockholders not personally liable.

Sec. 14. The stockholders of said company shall not be personally liable for the debts of the company.

Sec. 15. This act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 281.

AN ACT TO VALIDATE CERTAIN DEFECTIVELY EXECUTED DEEDS OF THE ROCKY MOUNT WEST END LAND AND IMPROVEMENT COMPANY FOR THE CONVEYANCE OF LANDS LYING IN NASH AND EDGECOMBE COUNTIES.

Preamble: conveyances by defective deeds.

Whereas, at divers times since its organization, the Rocky Mount West End Land and Improvement Company, a corporation chartered by act of the General Assembly of North Carolina, to wit, chapter three hundred and thirty-three of the Private Laws of eighteen hundred and ninety-one, has undertaken to convey to *bona fide* purchasers thereof certain parcels of lands lying in and near the city of Rocky Mount, and in the counties of Nash and Edgecombe, by deeds now deemed to have been defectively executed by the officers of said corporation duly authorized to make conveyances of said lands; and whereas the certificates of proof and acknowledgment annexed to many of said deeds are likewise deemed to be defective and not sufficient in law to support the orders of registration based upon the same; and whereas the board of directors and the stockholders of said corporation are about to take action looking to its dissolution, and are desirous that all persons and corporations holding lands under any and all such defectively executed deeds shall have good and indefeasible title thereto assured to them before said corporation shall be dissolved: therefore,

Preamble: defective probates.

Preamble: dissolution of company.

The General Assembly of North Carolina do enact:

Section 1. That all deeds of bargain and sale and other deeds for the conveyance of lands lying in or near the city of Rocky Mount (sometimes therein referred to as the town of Rocky Mount), and in the counties of Nash and Edgecombe, wherein a valuable consideration is recited, and which shall purport to be deeds of the Rocky Mount West End Land and Improvement Company, when signed, in the name of said corporation, by its president or vice president, or when signed, in the name of said corporation, by its president or vice president and two other of its stockholders, or when signed by the president or vice president of said corporation, as such, or when signed by the president or vice president of said corporation and two other of its stockholders, as such, and which shall likewise be signed or attested by the secretary or treasurer of said corporation or other attesting witness, are hereby validated and confirmed, and all such deeds, so validated and confirmed, are hereby declared to be of the same force and effect, to all intents and purposes, as if they had been executed in strict conformity with all the requirements of law governing the execution of the deeds of corporation for the conveyance of lands: *Provided*, that any and all instruments of writing otherwise conforming to the descriptions of deeds of bargain and sale or other deeds for the conveyance of lands as hereinbefore set out, to which the common seal of said corporation shall not have been affixed at the time of execution, but which shall recite that said common seal was so affixed, shall be held to be deeds within the meaning of the term as used in this act.

Deeds validated and confirmed.

Full force and effect.

Proviso: papers held to be deeds.

Sec. 2. That the registration of all deeds within the provisions of section one of this act which shall have been heretofore recorded in the office of the register of deeds of either Nash or Edgecombe County, upon orders of registration made by clerks of the court or deputy clerks of the court authorized by law to pass upon the sufficiency of certificates of proof and acknowledgment of like conveyances by law required or permitted to be registered, is hereby validated and confirmed, notwithstanding any and all defects, of either form or substance, in the certificates of proof and acknowledgment annexed thereto and in such orders of registration, and shall be effective, to all intents and purposes, from the date of filing the same for registration.

Registration validated and confirmed.

Sec. 3. That the execution of any and all deeds within the provisions of section one of this act which shall not have been admitted to registration prior to the ratification of this act may be proven before any officer authorized by law to take the proof and acknowledgment of like conveyances by law required or permitted to be registered, by making proof of the handwriting of the officer, or of the officers and stockholders, of said corporation who exe-

Proof of deeds.

cuted the same, and also of the handwriting of the secretary or treasurer of said corporation or other subscribing witnesses who attended the execution thereof.

Pending litigation.

Sec. 4. That no provision of this act shall be so construed as to affect pending litigation.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 282.

AN ACT TO AUTHORIZE THE TOWN OF ELKIN TO ISSUE BONDS TO PROVIDE FOR WATERWORKS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Denominations.

Amount.

Interest.

Proviso: maturity.

Section 1. That the board of commissioners of Elkin is hereby authorized and empowered to issue bonds in the name of the town of Elkin in such denominations and forms as it may determine, to an amount not exceeding forty thousand dollars, bearing no greater interest than six per centum per annum, and the interest shall be payable semiannually, and said bonds shall be made payable at such time or times and at such place or places as shall be determined by said board of commissioners: *Provided*, that the time of payment shall not be fixed at more than forty years.

Sale below par forbidden.

Specific appropriation of proceeds.

Sec. 2. That said bonds shall in no case be sold, hypothecated, or otherwise disposed of for less than their par value, and all moneys arising from the sale thereof shall be used for the following purposes, and for no other purpose, to wit: for constructing and equipping a system of waterworks and maintaining and operating the same, to furnish water for the use of the town and its citizens and to provide for water for fire protection of the property in the business section and other parts of said town; for constructing and maintaining a sewerage system for the town: *Provided*, that the purchasers of said bonds shall in no respect be held responsible for the application of the funds arising from the sale of said bonds.

Proviso: purchaser not responsible for application.

Supervision and control of plants and works.

Agents, servants, and employees.

Sec. 3. That the said board of commissioners shall have entire supervision and control of any and all the plants and works established under this act, and is hereby authorized to elect all such agents, servants, and employees as it may deem proper, and to pay for the same from any of the revenues of the town not otherwise appropriated, and to do all proper things to carry into effect the provisions of this act.

Authentication of bonds.

Sec. 4. That said bonds shall be signed by the mayor, attested by the town treasurer, and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the

Coupons receivable for town taxes.

coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they become due, it shall be the duty of the board of commissioners, and they are hereby empowered to do so, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may be hereafter embraced in the subjects of taxation under the charter of said town, and at the time and in the manner as other taxes are collected under said charter: *Provided*, that the total rate of taxation allowed for the special purposes set forth in this act shall not exceed fifty cents on each hundred dollars valuation of property and one dollar and fifty cents on each taxable poll: *Provided further*, that all the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and the interest coupons as the same may become due, and it shall be the duty of the town treasurer, as said coupons are taken up and paid off, to cancel the same and report not less than twice a year to the board of commissioners the number and amounts of the coupons canceled.

Special tax.

Proviso: limit of rate.

Proviso: specific appropriation.

Semiannual reports.

Sec. 5. That the board of commissioners shall not issue said bonds, nor any of them, nor levy and collect said tax until they shall have been authorized and empowered to do so by a majority of the qualified voters of said town at an election to be held at such time and place as said board may appoint, of which election notice shall be given for not less than twenty days in some newspaper published in said town; and at such election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote a ballot upon which is written or printed the words "For Bonds," and those opposing the same shall vote a written or printed ballot containing the words "Against Bonds." Said election shall be held under the same rules and regulations as elections for mayor and other town officials: *Provided*, that the board of commissioners may in its discretion order a new registration of voters: *Provided further*, that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent the board of town commissioners in its discretion to cause a subsequent election to be for the same purpose, but said board of commissioners shall not cause a second election to be held under the provisions of this act until there is filed with said board a petition containing the names of fifty per cent of the qualified voters of the town of Elkin: *Provided further*, that in any call for an election to be held under this act the board of commissioners shall specify the amount of bonds to be issued, and it shall be unlawful for said board to issue any bonds in excess of the amount so specified.

Election on bond issue.

Notice of election

Ballots.

Law governing elections.

Proviso: new registration.

Proviso: subsequent elections.

Petition for second election.

Proviso: amount of bonds to be specified.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 283.

AN ACT TO FIX AND ESTABLISH THE BOUNDARIES OF MARSHALL SPECIAL-TAX SCHOOL DISTRICT, THE SAME BEING DISTRICT No. 1 OF TOWNSHIP No. 1 OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Boundaries fixed and established.

Section 1. That the boundaries of Marshall Special-tax School District, the same being District Number One of Township Number One of Madison County, be and the same are hereby fixed and established as follows: Beginning on the bank of the French Broad River at the mouth of Sweetwater and running thence across said river to the lower corner of the lands of the North Carolina Electrical Power Company, on the bank of said river; thence up said river and with the outside boundary lines of said company to Bailey's Branch; thence up and with said branch to Alfred Ramsey's line; thence running with the outside lines and including the lands of Alfred Ramsey, Caney Ramsey, Toney Ball, Henry Ramsey, J. P. Rector, and H. J. Anders, to Case Boll Branch; thence down said branch to its mouth; thence running so as to include where J. J. Roberts and George Fortner now live to the French Broad River; thence up and with said river to the mouth of Ivy; thence running with the outside lines and including the lands of Dave Deal, J. B. Hensley, W. E. King, Will Deaver, W. R. Sams, J. F. Redmon, and J. J. Redmon, to the public road in the gap of the Baird Hill; thence running with the top of the main ridge, including the Craigmiles place, to the public road in the gap of the ridge at the Stephen Roberts place; thence up and with said ridge to the main top of the mountain at the orchard; thence a straight line to where the Marshall road intersects with the Sweetwater road; thence down and with Sweetwater to the place of beginning.

School committeemen.

Terms of office.

Sec. 2. That W. E. Finley, J. H. White, and P. A. McElroy, the present school committee of said district, be and they are hereby appointed school committeemen for said district, the said W. E. Finley for a term of two years, the said J. H. White for a term of four years and the said P. A. McElroy for a term of six years, the term of office of each to begin on the first Monday in July next;

Election of successors.

and their successors, as their respective terms of office shall expire, shall be appointed by the county board of education of Madison County for a term of six years from the date of appointment.

Vacancies.

All vacancies occurring in said committee by death, resignation, or otherwise, shall be filled for the unexpired term by said county board of education.

Contiguous territory admitted.

Sec. 3. That the county board of education shall upon the petition of one or more property-owners, the lands of whom adjoin and

lie contiguous to said district, approved by the school committee of said district, change the boundary lines of said district so as to include the lands of the petitioner or petitioners therein. That the boundaries of said district shall not be changed in any manner except as above stated.

Powers and authority of committee.

Additional powers for teaching higher branches.

Sec. 4. That the school committee of said district, and their successors in office, shall have and exercise all the power and authority conferred upon school committeemen by law, and in addition thereto shall have the power and authority, after making due provision to have the common school branches taught in the schools of said district, to employ teachers, fix salaries, and prescribe the course of study of such higher branches as they may deem it to the best interest of the pupils of said district to have taught in the schools thereof.

High school.

Sec. 5. That if a public high school shall hereafter be established in said district, then and in that event the school committee of said district shall by virtue of their office be the committee of said high school.

Special tax.

Sec. 6. That a special tax of not exceeding ninety cents on the poll and thirty cents on each one hundred dollars worth of taxable property shall be levied annually in said district, as it has heretofore been levied, upon all property and polls therein, said tax to be collected and expended as provided in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, and as is hereinbefore provided.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 284.

AN ACT TO AUTHORIZE THE TOWN OF JONESBORO, IN LEE COUNTY, TO ISSUE BONDS TO PAY DEBT INCURRED TO ESTABLISH AND MAINTAIN A SYSTEM OF WATERWORKS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That for the purpose of paying debts incurred in establishing, equipping, and maintaining a system of waterworks in the town of Jonesboro, and of securing and preserving a sufficient supply of water for the use of the citizens and persons to whom the same may be supplied, the commissioners of the said town of Jonesboro are hereby authorized to issue coupon bonds of the town of Jonesboro to an amount of five thousand dollars, in denominations of not less than one hundred dollars and not more than five hundred dollars, to suit the purchaser or purchasers

Amount.

Denominations.

Maturity. Interest.

thereof, which said bonds shall be payable not less than twenty nor more than thirty years after date of issue, and shall bear interest at not less than five nor more than six per cent per annum, payable semiannually on the first day of January and the first day of July of each year and every year, at the office of the town treasurer in the town of Jonesboro, or at such other place in the United States of America as may be agreed on by the purchaser or purchasers of said bonds and the commissioners of the said town, and fixed at the time of the sale of the said bonds. The time the said bonds are to run and the interest they shall bear, within the limits herein set out, shall be fixed by the commissioners of the town at the time of the sale of the bonds.

Authentication.

The said bonds shall have coupons attached, representing the interest thereon, and shall be signed by the mayor of the said town, countersigned by the clerk of the board of commissioners thereof, and attested by the official seal of the town.

Special tax.

Sec. 2. That for the purpose of paying the accrued interest on said bonds and to provide a sinking fund for the payment of the principal when due, the board of commissioners of the town of Jonesboro shall levy and cause to be collected annually, as other taxes are collected, a tax upon all real and personal property, rights and credits, now or hereafter subject to taxation for general purposes, not exceeding fifty cents on each one hundred dollars worth of property, and upon each taxable poll a tax not exceeding one dollar and fifty cents.

Limit of rate.

Sale below par forbidden.

Sec. 3. No bond issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest.

Sale of bonds.

Said board of commissioners are hereby authorized to sell or dispose of the said bonds either at public or private sale, as to them may seem best, and in case they sell the same at public sale they shall give notice thereof at the courthouse door of Lee County and in one or more newspapers for thirty days.

Notice of public sale.

Separate fund.

Sec. 4. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the establishment, installing, and equipping of a system of waterworks for the town of Jonesboro, the purchase of materials, tools, and machinery therefor, and paying all costs and expenses connected therewith, and maintaining the same; and the commissioners of the town of Jonesboro shall cause the treasurer of said town to keep separate account of the said funds, so that the condition of the same may at all times be shown, and it shall be the duty of the said treasurer to keep said account: *Provided, however,* that the purchaser or holder of any part of said bonds shall not be required to see to the application of the proceeds of the same.

Application.

Separate accounts.

Proviso: purchaser not responsible for application.

Commission of treasurer.

Sec. 5. The treasurer of the town of Jonesboro shall be allowed for the disbursements of the proceeds arising from the sale of said bonds an amount not to exceed a per cent to be fixed by the commissioners and by them allowed.

Sec. 6. That the clerk of the board of commissioners shall keep a record in his office in which shall be entered and kept the names of every purchaser of said bonds and the number and amount of the bond purchased, and also a record of the bonds redeemed, together with the date of their redemption; and the bonds and coupons, when redeemed, shall be recorded as redeemed, and shall be destroyed by fire in the presence of the board of commissioners, and a record of such destruction shall be made and dated, and filed with the clerk of the board. Record of bonds. Destruction of paid bonds and coupons.

Sec. 7. That the taxes hereunder shall be collected by the tax collector of the said town, or other officer charged with the collection of the town taxes, and the said officer shall in respect thereto be liable, officially as well as personally, to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other town taxes, and the bonds given by the said officer for the collection of town taxes shall include the taxes levied hereunder. The treasurer of said town shall be liable on his official bond for the proceeds of the said bonds received by him, as well as the taxes received by him under this act. The bonds of the tax collector and the treasurer shall be fixed in such a sum as the commissioners of said town shall deem sufficient to protect the said funds. Collection of tax. Collector liable on bonds. Liability of treasurer on bond. Bonds of treasurer and tax collector.

Sec. 8. That in order to provide for the safe keeping and investment of the funds arising from the taxes levied under this act over and above the amount necessary to pay the interest upon the said bonds, the treasurer of the town of Jonesboro shall open upon his books an account to be designated "Water-Bonds Sinking Fund," and all amounts received by said treasurer from the taxes levied hereunder which may not be necessary for the payment of the accrued and accruing interest on said bonds shall be credited to the said "Water-Bonds Sinking Fund" account, and there kept separate and distinct from all other town funds for the purpose of paying the principal of said bonds at maturity; and the said treasurer, when thereto authorized and instructed by resolution of the board of commissioners of said town, shall invest the said amount belonging to the said sinking fund from time to time in such safe interest-bearing securities as may be designated by said commissioners, payable to said treasurer for the use and benefit of said sinking fund: *Provided*, that no investment of said funds shall be made until the said investment and security therefor are approved by the said commissioners. Water-bonds sinking fund. Amounts credited to sinking fund. Investment of sinking fund. Proviso: approval of investment.

Sec. 9. No further bonds shall be issued by authority of chapter two hundred and thirty-two, or chapter two hundred and thirty-eight, Private Laws of nineteen hundred and eleven. Bonds under former laws.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 285.

AN ACT TO MAKE MORE SPECIFIC THE VOTING PLACES OF THE MOORESVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Election officers.

Registration books.

Voters at Ward 1.

Voters at Ward 2.

Voters at Ward 3.

Section 1. That the election for trustees of the Mooresville Graded School District shall be held by the same election officers as hold the municipal election for the town of Mooresville, and the registrar shall have and keep a separate registration book for the voters in said district.

Sec. 2. That all voters living in that part of the said school district lying east of the A. T. and O. R. R. and south of Center Avenue and the C. C. road shall vote at the polling place for Ward One in the town of Mooresville; all voters living in that part of the said district lying west of the A. T. and O. R. R. shall vote at the polling place for Ward Two in said town, and all voters living in that part of the said school district east of the A. T. and O. R. R. and north of Center Avenue and the C. C. road shall vote at the polling place of Ward Three of said town.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 286.

AN ACT TO INCORPORATE ROSE HILL PUBLIC SCHOOL DISTRICT IN DUPLIN COUNTY AND PERMIT SAID DISTRICT TO VOTE $10,000 OF BONDS.

Preamble: vote to establish schools.

Preamble: incorporation deemed best.

Whereas the qualified voters living in the district or territory embraced within the boundaries hereinafter set out did, on the sixth day of December, one thousand nine hundred and five, vote to establish a public graded school and high school to be located at Rose Hill, Rose Hill Township, Duplin County, and to levy a special tax to support the same according to the provisions of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five; and whereas it is deemed best to have the said graded school and high school incorporated: therefore,

The General Assembly of North Carolina do enact:

Territory and boundaries.

Section 1. That all the territory embraced within the boundaries set out and described as follows, to wit: beginning at the center W. and W. Railroad opposite E. M. Johnson's northeast corner at Cabin Trestle; thence E. M. Johnson's northern and western lines

to the old Middleton corner in the W. and W. Railroad Company's Teachey tract; thence the northern, western, and southern line of that tract to C. M. Steinmetz's Carr tract; thence the western and southern line of that tract to the northwest corner of the G. M. Carr estate tract; then the western and southern line of that tract to C. M. Steinmetz's Blackmore tract; then the western line of that tract to the J. T. Matthews estate line; then the northern line of that tract to the public road; thence as the public road southerly to Willie E. Fussell's and J. L. Fussell's corner; then Willie E. Fussell's line to the new road through the bay; thence the new road northeasterly to James R. Dixon's southwest corner; then his line easterly to the old Wells line; thence to the Hollingsworth corner; thence that line to M. W. Ward's and Miles Costin corner; thence along Miles Costin's eastern line to T. W. Fussell's line; then around T. W. Fussell's northern, western, and southern lines around to M. W. Ward's line; then his line, crossing the railroad at Foxskin, to his southeast corner; then direct line to Cook's Branch; then Cook's Branch to R. H. Rouse's southwest corner on Cook's Branch; then Rouse's western line to Indian Branch; up Indian Branch to L. H. Bradshaw's and L. M. Murray's corner; then their line northerly to T. W. Boney's line; then T. W. Boney's line to M. E. Parker's corner; then Parker's line to Island Creek; then up Island Creek to James B. Bradshaw's southwest corner; thence his eastern and J. P. Shine's north and western line to Island Creek; thence up Island Creek to the center of the W. and W. Railroad; then as the center of the railroad to the beginning, be and the same is hereby incorporated and declared a body politic and shall be known as the Rose Hill Public School District in Rose Hill Township, Duplin County. Incorporation. Corporate name.

Sec. 2. That Jesse Fussell, Hatch Lanier, and R. L. Forlaw be and they are hereby appointed and constituted a board of school trustees for said Rose Hill Public Schools for a term commencing on the first day of July, one thousand nine hundred and thirteen; the term of the first named trustee shall be for two years, and for the second named, four years, and for the third named, six years; and at the expiration of the term of office of the said trustees, their successors shall be elected by a majority vote of the board of education of Duplin County, and any vacancy which may occur by reason of resignation, death, or otherwise shall be filled by said board of education for the unexpired term of such trustee resigning or who shall die. The office of trustee in said schools shall not be deemed or considered a public office within the purview of the Constitution of North Carolina. Trustees named. Term of office. Election of successor. Vacancies. Trusteeship not deemed office.

Sec. 3. All the public school property of said district shall become the property of said Rose Hill Public Schools and shall be vested in said board of trustees and their successors in office, in trust for said Rose Hill Public Schools. School property vested in trustees.

Control of schools.

Employment and compensation of officers and teachers.

Tuition free to residents.

Free pupils.

Trustees incorporated.

Corporate name.

Corporate powers.

Conveyances to corporation.

Execution of deeds and agreements.

Collection and settlement of school taxes.

Funds held by treasurer to use of schools.

Warrants on funds.

Proviso: annual reports.

Election of treasurer.

Bond of treasurer.

Sec. 4. That the board of school trustees herein appointed and their successors in office shall have entire and exclusive control of said public schools; shall employ and fix the compensation of officers and teachers, and do all other acts that may be necessary, just, and lawful for the successful management of said public schools, and shall have power to provide for the teaching of any of the higher branches of study not usually taught in public schools, free of charge to the children of school age living within said school district, and shall have power to fix rules and regulations to pupils not entitled by law to the benefits of these public schools which may be admitted, if in their judgment it shall be wise to admit them, and to fix prices to be charged said persons. Said board of trustees shall be a body corporate, under the name of the Board of School Trustees of Rose Hill Public Schools, with power to sue and be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants, making purchases, buying, holding, or selling property, both real and personal, for school purposes, and shall have the power of prosecuting and defending suits for and against said corporation. All conveyances and other instruments to said corporation shall be made to the said board of school trustees in their corporate name and their successors in office, and all deeds and other agreements shall be deemed sufficiently executed when signed by the chairman and secretary of said board of school trustees.

Sec. 5. That it shall be the duty of the Sheriff of Duplin County to collect all taxes levied in said district for school purposes and turn over the same to the treasurer of the Rose Hill Public Schools, and all school funds apportioned from the county and State for the use and benefit of said school district, and all moneys collected by the sheriff for taxes, shall be held by said treasurer for the exclusive use and benefit of said Rose Hill Public Schools, and shall be paid out by said treasurer upon the warrant or order signed by the chairman and secretary of said board of trustees: *Provided, however*, that the treasurer of the said Rose Hill Public School shall report annually on the first Monday in July in each and every year to the county board of education and to the State Superintendent, showing the amount of money drawn and apportioned to said district and set apart for the use of said schools, and for what it was spent; that the said board of trustees of the Rose Hill Public Schools shall meet in the month of July, one thousand nine hundred and thirteen, and biennially thereafter, and elect a treasurer of the said Rose Hill Public School either from one of its own members or any other person who is duly qualified, who shall give bond in a sum to be fixed by them, not exceeding three thousand dollars, payable to the State of North Carolina for the faithful discharge of his duties as such treasurer and for the payment of all moneys which may go into his hands as such treasurer.

Sec. 6. That the board of commissioners of Duplin County, upon the written application of a majority of the trustees hereinbefore appointed, shall order an election to be held in said district hereinbefore described at such time and place as they may deem proper, and the said board of commissioners shall at least thirty days preceding such election give notice of said election and the purposes thereof, by publication in one or more newspapers in Duplin County, and at four other public places within said district, by posting the notice of said election in some conspicuous place, to be determined upon by said board. County commissioners to order election. Notice of election.

Sec. 7. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now or may hereafter be in force for holding elections for members of the General Assembly, except as modified herein. The said board of commissioners shall order a new registration of all of the qualified voters residing in said district, and for the purpose of this election the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper. They shall appoint a registrar and two judges of election, and the registration of voters, except as herein provided, their qualification and challenges of voters, shall be conducted in the same manner as is now provided for the election of members of the General Assembly; that at the close of the polls the votes shall be counted by the poll-holders and judges of election and returned to the said board of county commissioners on the Thursday next following the election, and at the next meeting of the said board of county commissioners thereafter they shall canvass, tabulate, and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of the election shall be necessary. That at said election those in favor of issuing bonds shall vote a ballot with the words written or printed "For School Bonds" upon it, and those opposed to the issuing of bonds shall vote a ballot with the words "Against School Bonds" written or printed upon it. Law governing election. New registration. Registration. Election officers. Registration and challenges. Count and return of votes. Canvass of returns and declaration and record of result. Ballots.

Sec. 8. That if a majority of the votes cast at said election shall be "For School Bonds" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Duplin County to prepare bonds in denominations not less than one hundred dollars and not exceeding one thousand dollars, which said bonds shall bear a rate of interest not exceeding six per centum per annum, with interest coupons attached, payable annually or semiannually at such time or times and at such place or places as said board of commissioners may determine, and the principal thereof shall be payable or redeemable at such time or times not exceeding fifteen years from the date of issue as said board of commissioners of Duplin County Issue of bonds. Denominations. Interest. Maturity.

Authentication.

may determine, and said bonds and coupons attached thereto shall be signed by the chairman of the board of county commissioners of Duplin County and countersigned by the clerk of said board, and the seal of Duplin County impressed thereon.

Bonds delivered to school treasurer.

Sec. 9. That upon the preparation, signing, and execution of said bonds, said board of county commissioners shall deliver the same to the treasurer of Rose Hill Public Schools, who shall sell said bonds at such times and in such manner as the said board of trustees of Rose Hill Public Schools may direct, and that none of said bonds or the proceeds thereof shall be used by said board of trustees for any other purpose than that provided by this act, namely, to build and equip suitable school buildings for the said district; said bonds shall be numbered consecutively, and the coupons attached shall bear the number of the bonds to which they are attached. The said bonds and the coupons shall state the time and place when they are due, and when payable. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for a price less than par.

Sale of bonds.

Specific appropriation of proceeds.

Sale below par forbidden.

Additional special tax.

Sec. 10. That for the purpose of providing a fund for the payment of said bonds and the interest thereon, the board of commissioners of Duplin County shall annually at the time of levying the county tax, commencing with the fiscal year next after an election is held hereunder and a majority of the qualified voters of the district have voted "For Bond Issue" as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory hereinbefore described under the provisions of the Revisal of one thousand nine hundred and five, section four thousand one hundred and fifteen, shall levy a special tax on all persons and property subject to taxation within the above described territory in an amount not exceeding twenty cents on the one hundred dollars valuation of property and sixty cents on the poll, to pay the interest on said bonds and to provide a sinking fund for the payment of said bonds at their maturity.

Limit of rate.

Special tax unchanged if bonds are not voted.

Sec. 11. That in case a majority of the qualified voters of the territory herein described shall not vote for school bonds, nothing herein contained shall interfere with the collection of taxes for the special-tax district which now constitutes said territory, but in such case said special-tax district shall remain as at present constituted.

Further election.

Sec. 12. That in case a majority of the qualified voters shall not vote "For School Bonds" at any election herein provided for, the board of commissioners of Duplin County, upon a petition of one-tenth of the qualified voters residing within the above described territory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint two judges and a registrar for said election, the time and place of election to be determined by said board of commissioners, and the machinery of said election so far as applicable to be as herein provided.

Notice of election.

Sec. 13. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected or hereafter to be levied or collected within the district above described, but that the special taxes aforesaid shall be levied and collected in the future as in the past, and the particular or special tax to be voted upon for the issue of bonds shall be over and above, separate and distinct from the special tax heretofore levied or hereafter to be levied under the provisions of the Revisal of one thousand nine hundred and five, section four thousand one hundred and fifteen, and upon a majority of the qualified voters voting "For School Bonds," the special or particular tax herein provided for the payment of said bonds and interest shall be levied and collected in addition to the special school tax now levied and collected under the authority of law; and when the principal and interest of said bonds are paid in full, the tax for this purpose shall cease.

Special taxes now established.

Additional tax.

To cease on payment of bonds.

Sec. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 287.

AN ACT TO INCORPORATE THE TOWN OF BENTON HEIGHTS IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Benton Heights, in the county of Union, be and the same is hereby incorporated by the name and style of Benton Heights, and shall be subject to all the provisions of law relative to municipal corporations as contained in the Revisal of one thousand nine hundred and five of North Carolina, and all acts amendatory thereto; that it may have an official seal, and may sue and be sued in the several courts of the State.

Town incorporated.

Corporate name.

General law applicable.

Sec. 2. That the corporate limits of said town be as follows: Beginning at the northwest corner of the town of Icemorlee and running with the Carolina Central Railway to the beginning corner of the said town of Icemorlee and on with said railway to Bear Skin Creek; thence with courses of said creek to corner R. V. Houston's land; thence north to Mrs. E. E. Fitzgerald's corner; thence west to Concord Road opposite old gin site; thence a direct line to the beginning.

Corpor te limits.

Sec. 3. That the officers of said corporation shall consist of a mayor, five aldermen, a chief of police, and a treasurer, and the

Town officers.

Town officers named.

following persons shall fill the offices until the regular election in May, one thousand nine hundred and thirteen, viz.: mayor, W. H. Phifer; aldermen, T. O. Fulenwider, John Griffin, Joe F. Benton, Walter Benton, and J. H. Myers; chief of police, J. T. Helms; and

Election of officers.

treasurer, W. A. Benton, all of which offices shall be filled by election of the popular vote, except chief of police and treasurer, who shall be chosen by the aldermen of said town of Benton

Bonds of chief of police and treasurer.

Heights. The chief of police and treasurer shall give bond, in such sum as the aldermen shall determine, for the faithful performance of their duties in office.

Town elections.

Sec. 4. That officers shall be elected under the laws of chapter seventy-three of the Revisal of one thousand nine hundred and

Term of officers.

five, relating to elections, and shall hold their offices for the terms prescribed under the general laws.

Legislative powers.

Sec. 5. That the aldermen of said town of Benton Heights shall have authority to pass ordinances for the good government of said town and for the preservation of the person, property, and health of its citizens, not inconsistent with the constitutions and laws of

Taxing power.

the State or United States, and shall have authority to levy and collect a tax on all subjects of taxation not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars worth of property.

Right to pursue and arrest criminals.

Sec. 6. That the chief of police or any police officer deputized by the mayor of said town shall have the right to pursue any person committing a crime within the corporate limits of said town, when he is about to escape, and arrest such offender, without warrant, within a distance of two miles from said corporation.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 288.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SILER CITY.

The General Assembly of North Carolina do enact:

Tax rate.

Section 1. That the words "twenty cents," in line seven, and the words "sixty cents," in line eight of section six, chapter two hundred and eight of the Private Laws of one thousand eight hundred ninety-nine, be stricken out and the words "thirty-five cents," in line seven, and the words "one dollar and five cents," in line eight, be inserted in lieu thereof.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 289.

AN ACT TO AMEND THE CHARTER OF THE ABERDEEN AND ROCKFISH RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter twenty-two of the Private Laws of the General Assembly passed at its session of one thousand eight hundred and ninety-three and amended by chapter forty-five of the Private Laws of one thousand nine hundred and one, and chapter four hundred and one of the Private Laws of one thousand nine hundred and seven and chapter two hundred of the Private Laws of one thousand nine hundred and eleven be and the same is hereby further amended by adding to said act and the amendments thereto, as a part of the charter of the said Aberdeen and Rockfish Railroad Company, the following: Laws amended.

"The said Aberdeen and Rockfish Railroad Company is hereby authorized and empowered, when authorized by an affirmative vote of its stockholders holding two-thirds of its capital stock outstanding, to issue and sell cumulative preferred stock, bearing interest or a dividend at the rate of six per cent per annum to an amount not exceeding in the aggregate of two thousand dollars ($2,000), for each mile of railroad now or hereafter owned and operated by said Aberdeen and Rockfish Railroad Company, with the privilege and right to said company to call in and retire said preferred stock at any time after March first, one thousand nine hundred and fifteen, by paying therefor to the holders of such stock a sum not exceeding the par value of said stock and five per cent premium thereon and all dividends accrued thereon at the time of the redemption of such preferred stock: *Provided*, that sixty days previous notice in writing shall have been given to the holders thereof: and *Provided further*, that after the issue of any part of said cumulative preferred stock no further common stock of said company shall thereafter be issued and no bonded indebtedness shall thereafter be created by said company beyond that already authorized by outstanding mortgages or deeds of trust already made and executed by said company so as to create a lien or preference prior or superior to the cumulative preferred stock so issued until the whole of said cumulative preferred stock so issued shall have been retired and redeemed as aforesaid, except by the consent of the holders of each and every share of such cumulative preferred stock aforesaid as shall have at such time been issued; that no holder or holders of any of the cumulative preferred stock aforesaid shall be allowed to vote such stock in any meeting of the stockholders of said company unless and until there shall have been a default in the payment of either the dividends due on such preferred stock according to its terms

Right to issue preferred stock.

Limit of amount.

Right to call in and retire stock.

Proviso: notice of call.

Proviso: issues of common stock and bonds forbidden.

Right of preferred stock postponed until default.

for a period of six months or a default in the payment of interest due upon the mortgage bonds of said company outstanding, for a like period."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 290.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HILDEBRAND.

The General Assembly of North Carolina do enact:

Number of commissioners.

Section 1. That section three of chapter two hundred and twelve of the Private Acts of one thousand eight hundred and ninety-nine, entitled "An act to incorporate the town of Hildebrand," be amended by striking out the word "five" before word "commissioners," in line two of section three of said act, and inserting in lieu of the same the word "three." And by amending said section by adding at the end thereof the following:

Proviso: absence forfeiting office.

"*Provided*, that if any member of the said board of commissioners shall move or absent himself from the said town for more than three months at any one time, such member shall forfeit his said office, and the remaining commissioners shall, upon first declaring the said office vacant, elect another commissioner to fill out such unexpired term: *Provided further*, an election shall be held on the first Monday of each and every year for the election of three commissioners and a mayor for the said town of Hildebrand."

Vacancy filled.

Proviso: annual elections.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 291.

AN ACT TO AMEND SECTION 206 OF CHAPTER 342, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907.

The General Assembly of North Carolina do enact:

School tax rate.

Section 1. That section two hundred and six of chapter three hundred and forty-two of the Private Laws of North Carolina, session one thousand nine hundred and seven, be and the same is hereby amended by striking out the word "twenty," in line four of said section, and inserting in lieu thereof the word "thirty"; also

by striking out the word "sixty" in line five of said section, and inserting in lieu thereof the word "ninety": *Provided*, this act shall not become effective until the same shall have been ratified and approved by a majority of the qualified voters of the city of Charlotte at an election to be held on the sixth day of May, one thousand nine hundred and thirteen. Said election to be held under the same rules and regulations as govern the election of the mayor and board of aldermen of said city.

Proviso: not effective until ratified by voters.

Law governing elections.

Sec. 2. That the Clerk of Superior Court of Mecklenburg County shall provide a sufficient number of tickets favoring the ratification and approval of this act, and a like number against it, which shall be distributed at the different voting precincts in the city of Charlotte to be used in said election; those voting in favor of this act shall vote a written or printed ticket, "For Increasing School Tax," and those voting against it shall vote a ticket, written or printed, "Against Increasing School Tax."

Clerk of superior court to furnish tickets.

Distribution of tickets.

Sec. 3. If a majority of the qualified registered voters in said election shall vote "For Increasing School Tax," then it shall be deemed and held that this act has been approved and ratified.

Vote ratifying act.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 292.

AN ACT TO AMEND CHAPTER 338 OF THE PRIVATE LAWS OF NORTH CAROLINA OF SESSION 1911, IN REGARD TO THE TYNDALL SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter three hundred and thirty-eight of the Private Laws of North Carolina, session one thousand nine hundred and eleven, be and they are hereby amended by striking out the word "north," in line eleven, and insert in lieu thereof the word "south," and insert in line twelve, between the words "and" and "following," the word "then," and strike out in line twelve the words, "his east and south lines, including his place," and insert in lieu thereof the words, "the south side of the railroad's right of way to the Rocky River Road; thence down said Rocky River Road." And strike out in lines seventeen and eighteen the following words: "All of R. V. Houston's Tyndall place not now included in said district."

Boundary corrected.

Sec. 2. That the territory excepted above shall be a part of the Mount Carmel School District, as it originally was.

Mount Carmel district.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 293.

AN ACT TO INCORPORATE THE TOWN OF SIMMS IN WILSON COUNTY, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated. Corporate name. Application of general law.

Section 1. That the town of Simms in Old Fields Township, Wilson County, be and the same is hereby incorporated by the name and style of Simms, and that the said town and inhabitants thereof shall possess all the powers and be subject to all the provisions of law relative to municipal corporations as contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, and the acts of the General Assembly amendatory thereof.

Corporate limits.

Sec. 2. That the corporate limits of the said town shall be as follows, to wit: Begin at a trestle on the Norfolk Southern Railroad at Mirey Branch, run thence south a straight line to R. B. Peel's line, thence easterly with said Peel's line to A. R. Taylor's line, thence southerly with said Taylor's line seventy yards, thence easterly with Peel's line seventy yards to the Simms public road, crossing the said road, runs seventy yards to a stake, thence northerly to the old Mark Peel line, thence easterly to the corner of the Morris and Freeman plat, thence northerly across said railroad to H. C. Taylor's line, thence westerly with Taylor's line to a point about three hundred yards north of the trestle, thence a straight line to the said trestle to the beginning point.

Survey of boundary. Plat to be recorded.

And it shall be the duty of the clerk of the court of Wilson County, upon petition by the commissioners of said town or upon petition of five or more residents of Old Fields Township, Wilson County, to appoint a surveyor, who shall have full power and authority to lay off and define the boundary of the said town as hereinbefore set out and report to the clerk of the Superior Court, together with a plat of the said town site, which shall be recorded in the office of the Register of Deeds of Wilson County.

First officers named. Town elections.

Sec. 3. That until the election of the officers of the said town in accordance with the provisions of said chapter seventy-three of the Revisal of one thousand nine hundred and five, the following persons shall have and hold the offices set opposite their respective names to the same extent and purpose as if they had been duly elected thereto, to wit: mayor, D. B. Weaver; commissioners, J. M. Burnett, J. S. Bailey, Nathan Peel; that the said officers shall hold their respective offices until their successors are elected and qualified, and that the said election shall be held in accordance with the provisions of the said chapter seventy-three of the Revisal of one thousand nine hundred and five, regardless of the provisions of section two thousand nine hundred and forty-four of said Revisal.

Sec. 4. That in addition to the powers conferred upon the commissioners of said town by chapter seventy-three of the Revisal of one thousand nine hundred and five and the acts of the General Assembly of North Carolina now or hereafter amendatory thereof, the said commissioners shall have the power to pass such ordinances for the preservation of the rights of the citizens of the said town as they shall deem expedient and necessary for the peace and good order of the same, not inconsistent, however, with the laws of this State or of the United States. And such ordinances as may be passed by the board of commissioners of the said town shall be in force and effect, not only within the corporate limits as hereinbefore defined, but also within the territory adjacent to the said town extending not more than one-half mile. Legislative powers. Territory covered by ordinances.

Sec. 5. That until the commissioners of the said town shall have levied and caused to be collected taxes for the payment of the current and necessary expenses of the said town, the said commissioners shall have the right to borrow such sums as they may deem necessary, not to exceed one-half the estimated receipts from the annual tax levy to be made by them, and to pledge the revenue to be derived from such levy or from any other source for the payment of any sums borrowed for the purposes hereinbefore expressed: *Provided, however*, that in no event shall the said commissioners borrow a sum to exceed two hundred dollars by virtue of the provisions of this section. Power to borrow money. Pledge of revenue. Proviso: limit of amount.

Sec. 6. That the constable or police officer of said town shall have the right to pursue any person who has committed a crime within the corporate limits of the said town, and who is endeavoring to escape arrest, and to arrest such person without warrant within a distance of two miles of the corporate limits of said town. Powers of constable.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 294.

AN ACT TO AMEND CHAPTER 222 OF THE PRIVATE LAWS OF 1889.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter two hundred and twenty-two of the Private Laws of one thousand eight hundred and eighty-nine, in its entirety, be stricken out and the following substituted therefor: "That the commissioners of the town of Mount Holly shall not hold an election for the election of a mayor and four commissioners on the first Monday in May of the May election abrogated.

Officers to hold over.

year one thousand nine hundred and thirteen, but that said the present mayor and commissioners shall remain in office until the first Monday in July, one thousand nine hundred and thirteen."

Election in July.

Sec. 2. That the present mayor and board of commissioners shall call an election for the election of a mayor and four aldermen to be held on the first Monday in July, one thousand nine hundred and thirteen, under chapter seventy-three of the Revisal of one thousand nine hundred and five.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 295.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ASHBORO.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and forty-eight of the Private Acts of the General Assembly of one thousand nine hundred and eleven of North Carolina be and the same is hereby amended by inserting at the end of line six of section three thereof the words, "or of obtaining material therefor," and by inserting in line two, section four, between the words "land" and "or," the following, "gravel or other material"; and also by inserting at the end of line eleven of section four the words, "or material taken."

Material for roads.
Condemnation.
Pay for material.

Sec. 2. That all laws, clauses, or parts of laws in conflict with this act shall be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 296.

AN ACT TO INCORPORATE CLAYTON GRADED SCHOOL DISTRICT IN JOHNSTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

School district.

Section 1. That School District Number One, Clayton Township, Johnston County, which is described and bounded as follows:

Boundary.

"Beginning on Neuse River at the mouth of Willets Creek, running up said creek to E. R. Dudley's and Ashley Horne's line; thence with their line to Arthur Gulley's line; thence said Gulley's

line to Buckhorn Creek; thence down Buckhorn Creek to Little Creek; thence up Little Creek to the mouth of Cabin Branch; thence up Cabin Branch to the line on the west side of D. J. Thurston's farm; thence as said line to the line on the west side of J. G. Barbour & Sons' Jones farm; thence as said line to the line on the west side of D. J. Yelvington's farm; thence said line to Little Creek; thence up Little Creek to the Wake County line; thence said county line to Neuse River; thence down Neuse River to the beginning," be and the same is hereby incorporated under the name and style of Clayton Graded School District, Johnston County, North Carolina, and is hereinafter to be known and styled as such.

Incorporation.
Corporate name.

Sec. 2. That the following persons be and they are hereby appointed trustees for said Clayton Graded School District: J. R. Williams, C. P. Ellis, W. A. Barnes, E. L. Hinton, Riley R. Gulley, J. D. Barbour, and J. T. Talton, who, as soon as practicable after the ratification of this act, shall meet and elect one of their number president and another secretary. The term of office of C. P. Ellis, W. A. Barnes, and Riley R. Gulley shall expire on the first day of April, one thousand nine hundred and fifteen; the term of office of J. R. Williams, E. L. Hinton, J. D. Barbour, and J. T. Talton shall expire on the first day of April, one thousand nine hundred and sixteen. Any vacancy occurring in the said board by expiration, death, resignation, or otherwise shall be filled by the county board of education of Johnston County in any manner they may deem proper.

Trustees named.
Organization.
Terms of office.
Vacancies.

Sec. 3. That the said board of trustees at their first regular meeting, and annually thereafter on the first Monday in June of each year, shall elect a treasurer from their number, who shall have charge of all moneys received and disbursed, and shall report monthly to said board his receipts and disbursements, with vouchers for same; the said treasurer shall give such bond as may be required by said board of trustees and their successors in office.

Election of treasurer.
Treasurer to report monthly.
Bond of treasurer.

Sec. 4. That all the money arising from the special school tax levied in School District Number One, Clayton Township, Johnston County, now Clayton Graded School District, shall be paid by the Sheriff of Johnston County to the treasurer of the said board of trustees of Clayton Graded School District, and the receipt of said treasurer for the amount of funds due said district from said special tax, signed by the president of the board of trustees, shall be a complete and full discharge of said sheriff and his bond from any and all liability for the collection of said special taxes. All other public school funds derived from the State and county shall be by the proper officer paid to the board of trustees as herein provided for, and shall by them be used for the benefit of the schools of said Clayton Graded School District, and for no other purpose.

Settlements with sheriff.
Apportionment from general funds.

Trustees incorporated.
Corporate name.
Corporate powers.

Sec. 5. That said board of trustees of Clayton Graded School District shall be and remain a body corporate under that name, and may adopt a common seal, and shall be capable of receiving gifts and grants, or purchasing and holding property, real, personal, and mixed, or of selling and transferring the same, and of prosecuting and defending suits for or against the said corporation.

Teachers and officers.

Sec. 6. The said board of trustees shall have power to employ all teachers, select all officers necessary for the management of said school.

Sec. 7. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 297.

AN ACT TO AMEND CHAPTER 366 OF THE PRIVATE LAWS OF 1909, INCORPORATING THE ASHEVILLE AND EAST TENNESSEE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Subscription by municipalities.

Section 1. That chapter three hundred and sixty-six of the Private Laws of one thousand nine hundred and nine, entitled "An act to incorporate the Asheville and East Tennessee Railroad Company," be and the same is hereby amended by inserting after the word "capital stock," in line three, in line eleven, and in line sixteen of section nine, and in line four of section eleven of said act, the words, "or bonds."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 298.

AN ACT TO AMEND CHAPTER 329, PUBLIC LAWS OF 1899, RELATING TO DOBSON GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and twenty-nine, Public Laws of eighteen hundred and ninety-nine, section two, be amended as follows: That all between the word "levied," in line eleven, and the word "the," in line sixteen of section two of said act, be

stricken out, and the following inserted in lieu thereof: "by the board of education of the town of Dobson, and the same shall be collected by the Sheriff of Surry County, and he shall have the same power and authority and receive the same compensation and be subject to the same liabilities as for the collection of other taxes." Also, all between the word "the," in line twenty-two of section two, and the word "and," in line twenty-four of said section, be stricken out, and the following inserted in lieu thereof: "Sheriff of Surry County shall collect said taxes." Levy and collection of tax. Collection of tax.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 299.

AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOWN OF AYDEN, PITT COUNTY, TO PAY THE INDEBTEDNESS OF THE AYDEN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the town of Ayden are hereby empowered and directed to pay to the board of trustees of the Ayden Graded School the sum of seven hundred and eighty-five dollars ($785), the same being the amount due the Bank of Ayden by said graded school and being the present indebtedness of said graded school. Payment directed.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this 5th day of March, A. D. 1913.

CHAPTER 300.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF WAKEFIELD.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and seventy-five of the Private Laws of North Carolina of one thousand eight hundred and ninety-nine be and the same is hereby repealed. Charter repealed.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 301.

AN ACT TO AMEND THE CHARTER OF THE "SWITZERLAND COMPANY."

The General Assembly of North Carolina do enact:

Additional corporate rights.

Section 1. That to the other rights and powers heretofore granted the "Switzerland Company" by its charter granted October the thirtieth, one thousand nine hundred and nine, the following is added:

Power to construct and operate turnpike toll-road.

Beginning.

Terminals.

Branch lines.

Routes.

Turnpike toll-roads.

Details of construction.

The said company is hereby given and granted the right, power, and authority to survey, locate, build, construct, maintain, and operate a turnpike toll-road, beginning at or near Mount Mitchell station on the C. C. and O. Railroad, and running to McCall and Couts or Couches Gap; to build, construct, maintain, and operate branch toll lines to or near Marion, North Carolina, from Gillespie Gap and Couts or Couches Gap, to connect with "Etchoe Pass Road," which starts at Gillespie Gap and goes to McCall's Gap and Couts or Couches Gap, a distance of about six miles. Said turnpike toll-road to be located, maintained, and operated in part over "Etchoe Pass Road" as now surveyed and opened, or any other road that may be subsequently located by them between any of said points. Said roads to constitute turnpike toll-roads between the points and places before mentioned; the said turnpike roads to be constructed and maintained in a safe, substantial, and good traveling condition, with buttresses, guards, and other necessary appliances for safety on all bridges, embankments, fills, hillsides, and abrupt angles, curves and turns.

Powers as hotel company.

Sec. 2. That said company is authorized and empowered to build, construct, maintain, and operate hotels, restaurants, inns, roadhouses, livery stables, garages, and other industries for the care, comfort, and convenience of tourists, travelers, or guests traveling upon said roads or resorting to or upon said mountains.

Powers as water company.

Sec. 3. The said company is vested with the right, power, and authority to buy, lease, otherwise acquire, sell, enjoy, and develop water rights and water-powers, to build, construct, and maintain dams, sluiceways, spillways and gates over and across any stream, water-course, and waterway, with ponds, reservoirs, and other devices for the storage of water, and to transmit any such water by flume, ditch, pipe line, conduit, or other means as may be necessary for the proper use thereof for the purposes herein set forth; may construct, maintain, and operate wheels, wheel houses, pits, raceways, tail races, pumps, hydraulics, and all other necessary buildings and devices. It may furnish and supply water to consumers, public or private, for domestic, power, or other uses or purposes, and may lay pipes, erect settling basins, reservoirs, pondage, filters, purifiers, pumps, hydraulics and other necessary

devices, and may fix and charge and collect such reasonable rates, rents, and tolls for such water, water-power, or other rights as may be determined by the board of directors, and shall have all other rights granted to water companies or corporations by the general laws of the State.

Rights as power and light company.

Sec. 4. The company is granted the right, power, and authority to produce, manufacture, or generate and to buy, sell, distribute, and furnish electricity, electric current, or other force, fluid, gas, power, or other energy or substances, for light, heat, power, gas, power or other energy or substance for light, heat, power, or other uses, and power-houses, plants, resorts, containers, charges, storage batteries, buildings, and all necessary appliances and machinery for the purposes and successful manufacture, generation, production, distribution and sale of such electricity, electric current, or other force, fluid, gas, power, or other energy or substance, and may fix, charge, and collect such rents, rates, and tolls therefor as may be determined by the board of directors: *Provided*, that before the company shall so sell in any incorporated city or town, a franchise therefor shall be obtained from the board of aldermen or other governing body thereof.

Proviso: franchise from city or town.

Telegraph and telephone lines.

Sec. 5. The company shall have the right, power, and authority to buy, lease, otherwise acquire, build, construct, maintain, and operate telegraph and telephone lines along its said turnpike or contiguous thereto, and to charge and collect rents, rates, and tolls for the transmission of dispatches or messages or the use of said telegraph or telephone lines, to connect with any telegraph or telephone lines owned by other person, company, or corporation in or out of the State of North Carolina: *Provided*, that in the operation of any telegraph or telephone line or lines the company shall be governed by the laws of the State relative to such lines, and have all rights and powers granted to telegraph and telephone companies or corporations.

Proviso: application of general law.

Powers as real estate and improvement company.

Sec. 6. The company shall have the power and authority to buy and sell and to develop and improve real estate; may lay out and plat bungalow sites, residences, camping grounds, and towns and other sites along its turnpike or contiguous thereto, and sell and dispose of such lots, blocks, sites, or grounds on such terms and subject to such restrictions as may be determined by the board of directors, and may engage in any business along its proposed line, manufacturing, merchandising, milling, or any other industry, and may buy, sell, and otherwise deal in any and all kinds of real, personal, and mixed property.

Other business.

Power to cross highways and railroads.

Bridges, culverts, and trestles.

Sec. 7. The company shall have the power to construct its road over, under, or across any highway, road, or railroad, at grade or otherwise, and to construct, maintain, and use bridges, culverts, trestles, or other structures over and across any stream, depression, or valley: *Provided, however*, that no street, avenue, or

Proviso: streets not part of turnpike.

alley of any town or city shall ever be part or parcel of any such turnpike toll-road so as to permit the company to charge for the use thereof.

Gates, tollgates, and bars.

Sec. 8. The said company is authorized and empowered to erect entrance and exit gates, tollgates, bars or barricades at such points along its turnpike road or roads as it may determine; to

Traffic regulations.

make and establish and enforce road rules, speed rules for common safety, traffic, limitations, load limits of bridges, fix rules as to the use of the turnpike by traction engines, log wagons, and other vehicles that are destructive to the roads or a menace to the safety of other users of said turnpike or travelers thereon, or that tend to alarm and frighten horses and so endanger the lives or limbs of

Prohibition of destructive vehicles.

travelers or users of said road, and prohibit the use of said turnpikes or travelers thereon, by such engines, log wagons, or destructive vehicles.

Rates and tolls.

Sec. 9. The said company is authorized and empowered to fix, determine, charge and collect rates and tolls for the use of its said turnpike and travel thereon, at any and all entrance gates, tollgates, rate of tolls to be fixed and determined by the board of directors, based on mileage traveled on the road, character of vehicle, number of passengers, animals, tonnage, or other determi-

Proviso: toll rates posted.

nation of the said board of directors: *Provided*, that at such entrance and exit gate, tollgate, bar or barricade a printed list of the said rates, tolls, and charges shall be conspicuously posted for

Proviso: control of corporation commission.

the information of the public: and *Provided further*, that rates and tolls shall be under the control of the State Corporation Commission.

Right of eminent domain.

Sec. 10. The company shall have and exercise the right of eminent domain in its various departments as herein set out, and said

Exercise of right.

right shall be exercised in accordance with the general laws of the State, except as hereinafter qualified as to board of appraisers, the company to have and exercise such rights as turnpike company, electric light and power company, water company, and tele-

Limit of powers and rights.

graph and telephone company. Nothing contained in this act shall be construed to give the company in its capacity as an electric light and power company or water or telegraph and telephone company, any powers or rights of eminent domain in excess of those conferred by the general laws of the State.

Limit to amount of land condemned.

Sec. 11. The right of the company to take and condemn land for its several purposes shall be limited to the amount provided for in the general laws of the State applicable to the several

Right of way for turnpike.

aforesaid companies, except that for the right of way for turnpike the company may condemn a strip of land sixty feet wide, and except in case high embankments, deep cuts, sharp declivities and angles and other places where the safe construction of the road may require it, the company may condemn as much in addition to said sixty feet wide as to enable the company to construct and maintain said road in a safe and substantial manner.

Power to condemn land.

Sec. 12. If the owners of any lands needed by the company for its roads, flumes, ditches, reservoirs, settling basins, pole lines, other purposes herein expressed, necessary to the business of the company, and the said company are unable to agree on the purchase thereof, or the damages to be sustained or the compensation to be paid, the company may have the said land condemned to its use and purpose, and the purchase price, damages, or compensation determined and declared in the manner hereinafter set out.

Right of entry for survey.

Sec. 13. In all cases mentioned in section fourteen of this act and for the purposes of preparing the petition hereinafter mentioned, the company shall have the right to enter upon any such premises and by actual survey ascertain and determine the amount of land desired to be condemned, and shall thereupon file a petition in the office of the clerk of the Superior Court of the county in which the land is situated, setting forth that the lands, describing them, are needed for the purposes of the company, stating the purposes, and that the owner or owners thereof and the company are unable to agree on the purchase price, damages, or compensation, and that it desires to appropriate and condemn the said described lands. A copy of the said petition shall be served upon the owners of said land as summons are served: *Provided*, the said owner or owners or any of them are residents of the county in which the land is situated or can be found in the State of North Carolina so as to make personal service thereof. If the said owner or owners are not residents of the county in which land is situated, or the company is unable to locate the said party within the State of North Carolina, then the said notice shall be served by publication in a newspaper published in said county, said notice to be published once a week for four successive weeks, and shall mail a copy thereof to his last known place of address. In case the said owner or owners are minors or insane, under legal disability, the service of said notice shall be made upon guardian, if any, next friend, or person with whom said party may be living, or as may be ordered and directed by the Superior Court of the county in which said land is situated. The company shall also, at the same time, serve upon the owner or owners of said land, in the manner above described, a notice that upon a day fixed in said notice, which shall not be less than twenty days after the date of service in case of personal service, and not less than thirty days in case of service by publication, the company will apply to the clerk of the Superior Court in which said petition has been filed, asking for the appointment of a jury of three disinterested freeholders of the county in which the said land is situated, to assess the value of the property to be condemned or the damages or compensation to be paid.

Petition for condemnation.

Copy served on owners of land. Proviso: service on residents.

Notice by publication.

Owners under disability.

Notice of application for jury.

Jury of view.

Sec. 14. Upon the date appointed in said notice the said clerk of the court shall appoint a jury of three disinterested freeholders and residents of the said county in which the land is situated, who

Oath of jury.

shall take and subscribe an oath to well and truly try, determine, assess, and fix the purchase price, damages, or compensation to be awarded the owner or owners of said land, for the amount thereof

Meeting of jury.

taken and condemned by said company. The clerk of the court shall also fix the time said jury shall meet to determine the question aforesaid: *Provided, however*, that the said jury shall not

Proviso: determination of damages.

finally determine or assess damages, purchase price, or compensation until sixty days after the said turnpike, road or highway shall

Proviso: notice to jury of completion of road.

have been completed: and *Provided further*, that upon the completion of said road over said land the company shall serve a notice upon said jury so appointed, notifying them of the completion of

Considerations governing assessment.

said turnpike, road, or highway. In considering the question of damages, purchase price, or compensation to be paid on the condemnation of said land, the said jury shall take into consideration the benefits to the landowner from the construction of said turnpike, road, or highway, and any enhancement in the value of his property abutting upon said road, and their verdict shall be for such amount, if any, as the damage may exceed the benefits.

Right of appeal.

Sec. 15. Either party may appeal from the award of said jury to the Superior Court, and the said action shall stand for trial as provided by law in cases of special proceedings or condemnation proceedings.

Entry on land and completion of work.

Sec. 16. Upon filing such petition for condemnation of any lands as aforesaid and serving the notice for the appointment of aforesaid jury of appraisers, the company is authorized and empowered to immediately enter into the possession of the land sought to be condemned and construct thereon the turnpike, road, or highway or make the other improvements for the purposes of which condemnation is sought.

Proceedings under general law.

Sec. 17. Except as herein stated and modified, the further proceedings in condemnation and the exercise of eminent domain shall be as provided for in the general laws of the State.

Rights in connection with other corporations.

Sec. 18. The company is authorized to subscribe to and to purchase and own the stock, bonds, or other securities of other corporations, and in like manner other corporations may subscribe to, purchase, and own the stocks, bonds, and other securities of this corporation, and to consolidate or sell and dispose of all or any part of its business.

Power to issue notes and bonds.

Sec. 19. The company is authorized to issue its bonds, notes, debentures, or other evidence of debt in any amount necessary for its business and the development of the industries herein provided for, such bonds, notes, debentures, or other evidences of

Specifications of notes and bonds.

debt to be in such denomination, for such term of years, and at such rate of interest as the board of directors may determine;

Mortgages and other instruments.

and for the purpose of guaranteeing or securing the payment of principal and interest thereon is authorized to make, execute, and deliver mortgages, deeds of trust, or other instruments of security on all or any part of its property, and to sell said securities at such price as may be agreed upon.

Sec. 20. For the purpose of making examination and surveys for its turnpikes, highways, or other properties, the company shall have the power by its officers, agents, and servants to enter upon any lands or waters of any person, subject to responsibility to answer for all real damage which shall be done thereto. Entry on land for examination and survey.

Sec. 21. The capital stock of the company shall be one hundred thousand dollars, with the right and power to increase the same to any amount, at any time or from time to time, as in the judgment of the board of directors the company may require, by a vote of a majority of the board of directors and the adoption of a resolution of increase and the filing of a certified copy of the said resolution of increase in the office of the Secretary of State and the payment of the fees and charges fixed by law, the said certificate of increase to be attested by the president and secretary of the company, with the seal attached. The stockholder may provide for two classes of stock, common and preferred, determine the par value of each class, the preference given the preferred, the interest on preferred, whether cumulative or not; if profit sharing, the ratio thereof; the voting power, and whether stock shall be registered: *Provided*, the par value of the common stock shall not be less than one hundred dollars per share, and that of the preferred may be one hundred dollars per share: and *Provided further*, that when the amount of each class of stock, the terms and the preference thereof, the par value of each class, and all other matters relative thereto as herein expressed have been determined as aforesaid, the resolution passed and adopted concerning the same shall be certified to the Secretary of State over the hands of the president and secretary of the company, attested by the corporate seal. Capital stock. Right of increase. Method of increase. Common and preferred stock. Proviso: par value of stock. Certificate to secretary of state.

Sec. 22. The stockholders shall make, publish, and declare and adopt such by-laws not inconsistent with the laws of the State and United States as may be necessary to the proper management and regulation of the business and affairs of the company; said by-laws shall provide the time of holding stockholders' meetings, manner of voting, stock entitled to vote, number of directors not less than five (5), duration of term of office, and do all other such things, provide for all things, and have such power and authority as conferred and given in charge by the general laws of the State. By-laws. Items provided for in by-laws.

Sec. 23. The stockholders may provide for an executive committee and the manner of electing or choosing the same, define the duties thereof and the powers vested in such committee, provide for election or appointment of all other officers, and elect the members of the board of directors, either to serve an equal term or in classes. Executive committee. Officers. Directors.

Sec. 24. At the next annual meeting the members-elect of the board of directors shall meet immediately upon the adjournment of the stockholders' meeting, and shall elect one of their number president and one or more vice presidents, and they shall also elect Officers to be elected by directors.

a secretary and treasurer, who may or may not be members of the board of directors, and when so organized shall have and exercise all the rights, powers, and authority conferred upon corporations by the laws of the State and this act, and in the meantime the present board of directors shall have all said rights.

Pay for subscriptions to stock.

Sec. 25. The board of directors may receive cash, stock, bonds, labor, material, services, real or personal property, or other things of value for the stock of the company; and in the absence of fraud or collusion the value fixed by the board of directors of any such stock, bonds, labor, material, services, real or personal property, or other things of value, shall be conclusive. They may fix and determine the manner, amounts, terms, and times of payments on subscription to the capital stock and all things in connection with the sale thereof.

Time and manner of payments.

Liability of stockholders.

Sec. 26. The liability of the stockholders of the company shall be limited to the unpaid balance on any subscription or the unpaid balance on any stock delivered, but each and every stockholder shall be liable to the company for any unpaid balance either on stock or subscription in a sum equal to the difference between the amount actually paid and the par value of the stock subscribed for or received.

Principal office.

Change of office.

Other offices.

Sec. 27. The principal place of business in the State of North Carolina shall be at Charlotte, but the same may be changed at any time on a vote of the board of directors, and said company may establish and maintain other offices, either in or out of the State, and may hold its directors' meetings either in or out of the State.

Change of name.

Sec. 28. The said company may change its name at any time upon a vote of a majority of the stockholders, but shall certify any such change to the Secretary of State.

Further general powers.

Sec. 29. The said company shall have all such further powers and authority as may be incident, necessary, inherent, suitable or proper for the accomplishment of all or any of the purposes or attainment of any or all of the objects and powers herein enumerated, or which shall at any time appear to the stockholders conducive, expedient, or proper for the protection or benefit of the corporation, its stockholders or creditors, and to enhance its service or facilities for the benefit of the public, and not in conflict with the general laws of the State.

Acts declared misdemeanors.

Sec. 30. Any person who shall in any manner willfully injure or obstruct any road, highway, or turnpike owned, leased, or operated by this company, or any road, public or private, with the upkeep of which the company is charged, or displace, destroy, or interfere with any guard-rail or other protection, device, or injure any bridge or crossing or unlawfully interfere with the use of said road by travelers thereon or with any tollgate keeper, officer, agent or servant of said company, or shall with intent to defraud and unlawfully use any such road, highway, or turnpike without paying the established toll thereon, shall be deemed guilty of a misde-

meanor and on conviction thereof shall be punished by a fine of not more than fifty dollars or imprisonment in the county jail for not more than thirty days, and shall also be liable for damages in a civil action. Punishment. Liability for damages.

Sec. 31. If any person shall in any manner willfully interfere with any surveyor, engineer, or others engaged in working any survey for any such road, highway, or turnpike, while lawfully engaged in the business of the company, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than fifty dollars or imprisonment in the county jail for not more than thirty days. Interference with surveyors misdemeanor. Punishment.

Sec. 32. If any person shall fail or neglect or refuse to pay any subscription to stock, the amount thereof may be recovered by civil action, and any stock held by such person may be sold to pay any such arrears, or so much thereof as may be necessary to pay the owner, the proceeding for such sale to be fixed and established by the by-laws of the company. Collection of subscriptions.

Sec. 33. If any person be found drunk or intoxicated on the highway known as "Etchoe Pass Road" or any road opened under the provisions of this act, or shall use loud, profane, indecent, or obscene language on any of the above highways, or shall be found drunk or intoxicated, or shall use loud, profane, indecent or obscene language on the property of the Switzerland Company's lands in the counties of Mitchell and McDowell, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Public drunkenness or disorderly conduct misdemeanor. Punishment.

Sec. 34. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 302.

AN ACT TO CONSOLIDATE, REVISE, AND AMEND THE CHARTER OF THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Oxford, Granville County, as the boundaries and limits of said town are herein set forth and established, shall be and continue a body politic and corporate; said corporation shall bear the name and style of "The Board of Commissioners of Oxford," and under such name and style is hereby invested with all the property and rights of property which now belong to said corporation under any corporate name or names heretofore used, and in such name shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, hold, and convey real or Town incorporation. Corporate name. Rights and property vested. Corporate powers.

personal property, or to receive the same by devise or bequest; and shall have all the powers, rights, and privileges conferred upon towns or municipal corporations by chapter seventy-three of the Revisal of one thousand nine hundred and five and all amendments thereto.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Twelve hundred fifty yards from the center of the main entrance door of the courthouse in said town in all directions: *Provided*, this section is adopted by a vote of the people at an election to be held in the manner hereinafter set out.

Proviso: section to be adopted by people.

Election of mayor and commissioners.

Sec. 3. There shall on the first Monday in May, in the year one thousand nine hundred and thirteen, and biennially thereafter, be elected by the qualified voters of said town a mayor and seven commissioners, who shall hold their offices until their successors shall have been duly elected and qualified.

Term of office.

Wards.

Sec. 4. That the board of commissioners shall have the power to divide said town into wards for the selection of commissioners as herein provided for, and each ward shall be entitled to one or more commissioners.

Persons eligible to vote and as mayor and commissioners.

Sec. 5. That no person shall be entitled to vote in any town election nor shall any person be eligible for the office of mayor or commissioner unless he shall be a qualified elector of the State of North Carolina and shall have resided next preceding the date of the election ninety days within the corporate limits of said town.

Appointment of registrar.

Sec. 6. That the mayor shall, thirty days before the town election herein provided for, appoint a suitable person to act as registrar of voters for said town. The mayor shall notify said person of his appointment, and said registrar shall at once post a notice of his appointment at the courthouse door and four other public places in said town, and in such notice shall designate the place where he will keep the registration books, the time when the books will open and close, and when and for what purpose the election will be held. If the person so appointed as registrar shall die, resign, or for any reason neglect or become unable to perform the duties of registrar, the mayor shall appoint another in his place.

Notice of appointment and registration.

Vacancy.

Registrar to qualify.

Sec. 7. Before entering upon the duties of his office the said registrar shall be duly sworn before the mayor or other person authorized to administer oaths to faithfully discharge the duties of registrar according to law.

Opening and close of registration.

Sec. 8. That the books for the registration of voters shall be opened twenty days preceding the day for holding the election and shall be closed five days before the day for holding the election.

Registration.

It shall be the duty of the registrar to keep open the registration books during said time from nine o'clock A. M. to five o'clock P. M. on every day, Sundays excepted, at his residence or place of business in said town, and on the Saturdays during said time he shall

attend at the courthouse between the hours of twelve o'clock M. and six o'clock P. M. for the registration of new voters. The registrar shall revise said registration books as necessity may require, striking from the lists the names of any persons known to be no longer qualified electors in said town, and no person shall be allowed to vote in any election whose name is not found on the registration books. Revision of books.

Sec. 9. That all elections shall be held at the mayor's office in said town or at the courthouse. Polling place.

Sec. 10. No registration shall be allowed after the books have been closed as herein provided, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to vote since the registration books were closed, he shall be allowed to register on the day of election and vote. Registration after close of books.

Sec. 11. Every person offering to register shall be required to take an oath that he is a citizen of the State of North Carolina, that he has resided in the town of Oxford ninety days preceding the date of said election, and that he is otherwise qualified to vote under the laws of the State of North Carolina; and if any person shall willfully swear falsely in such affidavit, he shall be guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of one hundred dollars or be imprisoned in the county jail not exceeding one year. Oath of voters. False swearing misdemeanor. Punishment.

Sec. 12. That for the purpose of holding the elections herein provided for, the board of commissioners of Oxford shall appoint two qualified electors, who shall serve as judges of election; before proceeding to act, said judges shall take an oath before the mayor or other person authorized to administer oaths, to conduct said election fairly and impartially and according to law, and in case any judge of election shall fail to act, the mayor shall appoint some other qualified elector to serve in his stead. Judges of election. Judges to be sworn. Mayor to fill vacancy.

Sec. 13. That on the day of the election the registrar and judges of election shall attend at the time and place of voting, shall receive the votes cast, shall pass on all challenges, and shall conduct said election in like manner and during the hours of the day as is prescribed for the election of members of the General Assembly. Law governing election.

Sec. 14. It shall be lawful for any registered voter to challenge the right of any person to vote who may offer to do so either on the day of election or at any time prior thereto, and if it shall appear to a majority of the election officers acting together that such challenged person is disqualified, such person shall be excluded from voting. Challenges.

Sec. 15. The candidates for mayor and commissioners shall be voted for in separate boxes and on a separate ballot, written or printed, or partly written and partly printed. Boxes and ballots.

Sec. 16. That at the close of the election the votes shall be counted by the election officers, and the person voted for as mayor Count of votes.

Persons declared elected.

who shall have received the largest number of votes cast shall be declared duly elected mayor, and the seven persons voted for as commissioners having the largest number of votes cast shall be declared duly elected commissioners, and the persons so elected shall be notified of their election by the registrar.

Notice to persons elected.

Settlement of ties.

Sec. 17. That if among the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number, the commissioners elected shall proceed within five days after their qualification to select a mayor from among such persons; and if among the persons voted for as commissioners there shall be a like tie, the remaining commissioners, within five days after their qualification, shall select of such the person or persons to be commissioners.

Poll-books.

Sec. 18. That the judges of election shall keep a poll-book in which shall be recorded the name and age of all persons who shall vote in said election, and said poll-book shall, at the conclusion of said election, be turned over to the clerk of said board of commissioners. The said registrar and judges of election shall certify the result of said election to the board of commissioners of said town and said certificate shall be spread upon the minutes of said board.

Poll-books filed.

Certificate and record of result.

Beginning of term.

Sec. 19. That the term of office of the mayor and commissioners elected as herein provided for shall begin on the second Tuesday after their election.

Mayor to be sworn.

Sec. 20. Before entering upon the duties of his office, the mayor shall take and subscribe the oaths required for all public officers by the laws of the State of North Carolina, and in addition shall take and subscribe the following oath: "I, A. B., do solemnly swear that I will endeavor to diligently perform faithfully and truly, according to my best skill, judgment, and ability, all the duties of the office of mayor of the town of Oxford while I continue therein, and will cause to be executed, as far as in my power lies, all the laws, ordinances, and regulations made for the government of said town; and in the discharge of my duties I will endeavor to do equal justice in all cases whatsoever: so help me, God."

Form of oath.

Commissioners to be sworn.

Sec. 21. That each commissioner before entering upon the duties of his office shall take and subscribe before the mayor or some other person authorized to administer oaths the several oaths required for all public officers by the laws of the State of North Carolina, and in addition thereto shall take and subscribe the following oath: "I, A. B., do solemnly swear that I will well, truly and impartially perform my duties as commissioner for the town of Oxford to the best of my judgment, skill, and ability: so help me, God."

Form of oath.

Vacancies.

Sec. 22. That if there shall be any vacancy in the office of mayor by death, resignation, or other cause whatsoever, the board of commissioners shall choose some other qualified person as

mayor for the term, or the unexpired portion thereof, as the case may be; and should there be any vacancy in the office of commissioner, the remaining members of the board of commissioners shall in like manner fill such vacancy.

Salaries of mayor and commissioners.

Sec. 23. The mayor shall receive a salary not to exceed four hundred dollars per annum, and each member of the board of commissioners may receive compensation not exceeding thirty dollars per annum.

Special elections.

Notice of election.

Sec. 24. That the board of commissioners shall have power to call special elections at any time that said board may deem desirable and for the best interests of said town. When such election shall be called, notice thereof shall be given by posting a notice at the courthouse door for thirty days preceding said election and by publishing said notice in some newspaper published in said town for four weeks; said notice shall state the purpose for which such election is to be held and the day for holding the same. Said special elections shall be held under the same rules and regulations as are herein provided for the holding of the election for town officers: *Provided*, that the board of commissioners may order a new registration either for said special election or for a general election, and in such case only those persons who register anew shall be entitled to vote in such election.

Law governing special elections.

Proviso: new registration.

Mayor to preside at meetings.

Mayor pro tem.

Sec. 25. The mayor shall preside at all meetings of the board of commissioners when he is present. The board of commissioners shall elect a mayor *pro tem.*, who shall exercise the duties of said office during the absence of the mayor or when for any cause the mayor cannot perform the duties of said office. The mayor shall be the chief executive officer of the town, and he shall take care to see that all the laws of the town are faithfully enforced and executed. It shall be his special duty to see that the conditions of all franchises granted by the town are faithfully complied with and that all contracts made with the town are faithfully executed.

Chief executive officer.

Conditions of franchises and contracts.

Mayor made special court.

Jurisdiction.

Warrants.

Process without affidavit.

Sec. 26. That the mayor of the town of Oxford is hereby constituted a special court, and as such shall, concurrently with justices of the peace of Granville County, have jurisdiction to try and finally determine all criminal offenses, occurring within the limits of the town of Oxford or within one mile thereof, of which justices of the peace now or hereafter may have jurisdiction under the laws of the State of North Carolina. The said mayor shall have jurisdiction of violations of town ordinances; he shall take care to preserve and keep the peace; he shall have power to issue warrants under his hand and seal, attested by the seal of the corporation of Oxford, running to any county in the State of North Carolina; he shall have power to issue process without affidavit when he is satisfied that an offense has been committed, and in general he shall have all the power and jurisdiction that justices of the peace now or may hereafter have in criminal matters under the laws of the State of North Carolina.

Jurisdiction as committing magistrate.

Sec. 27. That in all criminal matters arising within said town of Oxford or within one mile thereof, of which final jurisdiction is not herein conferred upon said mayor, he shall have power to hear such causes and bind over to the proper court all persons charged with the commission of such offenses in the same manner as is now prescribed by law for justices of the peace.

Sentences to street or road work.

Sec. 28. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court it shall be competent for said court to sentence such person to imprisonment in the county jail for such term as may be provided by law, and to adjudge also that such persons shall work during the period of their confinement on the public streets of Oxford or on the public roads of Granville County.

Officers to whom precepts shall issue.

Sec. 29. That the mayor may issue his precepts, process, and warrants to the chief of police or other policeman of the town, and to such other officers to whom a justice of the peace may

Service of process.

issue his precepts, and the same may be served by the police officers of the town or other officers authorized to serve process

Witnesses summoned.

anywhere in the county of Granville. An indorsement by the mayor of the names of witnesses upon a warrant or other precept shall be sufficient authority to the officer to execute the same and

Record of warrants.

to subpœna the witnesses. The mayor shall keep a faithful record of all warrants issued by him in a book kept for that purpose to be furnished by the board of commissioners, showing the final

Record open to inspection.

disposition of the cause, and said book shall be open to the inspection of the public at any and all times, and a list of said cases,

List of cases to solicitor.

showing the offense with which each defendant is charged, shall be furnished the solicitor for the State at each term of the Superior Court of Granville County.

Fees of mayor.

Sec. 30. That the following fees shall be charged and collected by the mayor from all persons adjudged to pay costs, or a fine and the costs, in his court for violation of any ordinances or the commission of any offense of which he shall have final jurisdiction: affidavit for warrant, twenty-five cents; issuing warrant for the arrest of persons, each person, one dollar; executing such warrant, each person, one dollar; trial and judgment, each person found guilty, fifty cents; subpœna, each witness, ten cents; serving subpœna, each witness, thirty cents; taking bond, each person, fifty cents; recognizance to Superior Court, each person, twenty-five cents; continuance of a cause, thirty cents; commitment, each person, twenty-five cents. In all matters heard before the mayor where he shall not have jurisdiction and shall bind over to the Superior Court, the scale of fees as herein provided for shall obtain, and such fees shall be paid on the final determination of the cause in the Superior Court in the same manner as is now prescribed by law for the payment of fees to justices of the peace.

Pay of witness.

Each witness appearing in the mayor's court, who is duly sworn and examined before the mayor, shall receive and be allowed for

each day he is in attendance fifty cents. All the above fees when collected, except for persons not in the employ or service of the town, shall be paid into the town treasury for the benefit of the town. It shall be the duty of the mayor to see that all fees are collected by the police officers of the town. Upon the collection of such fees by the police officers, they shall be turned over to the mayor, who shall make report of the same each month to the board of commissioners and shall at said time pay said fees over to the town treasurer.

Fees paid into town treasury.

Mayor to enforce collections.

Monthly settlements.

Sec. 31. That the board of commissioners shall form one body, and a majority of them shall constitute a quorum for the transaction of any business. The mayor shall have no vote unless there be an equal division of votes on any question, in which case he shall determine the matter by his vote. The board of commissioners shall meet for the transaction of business at least once each month. Special meetings of the board may be called by the mayor or a majority of the board at any time, of which meetings notice shall be given to every member of the board who is in town at the time of the call.

Commissioners to form one body.

Quorum.

Mayor to vote only on ties.

Regular meetings.

Special meetings.

Sec. 32. That among the powers hereby conferred upon the board of commissioners of Oxford is the right of eminent domain, and when any land or right of way shall be required by said town for the purpose of widening or straightening streets, opening new streets, laying and constructing water, gas, or sewer pipe lines, erecting buildings, laying out additional or new cemeteries, or for any other purpose allowed by its charter, and for the want of agreement as to the value thereof, or other cause, the same cannot be purchased from the owner or owners, and it shall become necessary to condemn the same, the necessity for such condemnation shall be conclusively evidenced by a resolution duly passed by the board of commissioners of said town at any regular or special meeting. The said board of commissioners shall file its petition before the Clerk of the Superior Court of Granville County, stating the purpose for which said land or right of way is desired, with description of the same, the names of the owner or owners, and of all persons having an interest in said lands, and praying the appointment of appraisers. The clerk of said court, after at least ten days notice to the owner or owners and all persons having an interest in said lands, shall thereupon appoint three disinterested freeholders of the town of Oxford to value said land or right of way, and said three freeholders, after being duly sworn, shall go upon the premises and value the same, taking into consideration the loss or damage to the owner in consequence of the land or right of way being surrendered, also any benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or

Right of eminent domain.

Resolution conclusive evidence.

Procedure for condemnation of land.

right of way; and said freeholders or a majority of them shall file their report in the office of the clerk of said court within ten days from the date of their appointment: *Provided*, that in case service of notice or process cannot be had upon any person or persons interested in said lands, then service upon such persons may be had by publication in the same way as is now provided by law for service of process by publication in special proceedings or other actions.

Proviso: service by publication.

Right of appeal.

Sec. 33. If, however, the owner of said land or right of way, or the said board of commissioners, be dissatisfied with the valuation thus made, then either party may have an appeal to the next term of Granville Superior Court; but if the valuation so made be paid to the owner, or lodged in the hands of the clerk of the Superior Court, the land so valued shall vest in the town so long as it may be used for the purposes of the same, and the appeal shall not hinder or delay said board of commissioners in opening such street or erecting such improvement: *Provided*, that in case of the discontinuance of the use of the land and its reversion to the owner, the town shall have the right to remove any improvement under its authority erected.

Appeal not to delay work.

Proviso: revision.

Legislative powers.

Sec. 34. That the board of commissioners when convened shall have power to make and provide for the execution thereof of such ordinances, rules and regulations for the better government of the town as they may deem necessary; to provide proper and effectual means, rules and regulations to prevent and extinguish fires in said town; to prevent, to suppress, and to remove nuisances; to make proper provision and take all necessary measures to preserve said town from contagious diseases and declare and enforce quarantine regulations; to make provision and take all proper measures to preserve the peace and good order in said town; to determine when necessary the boundaries of the streets, sidewalks, alleys, and to have control and supervision of said streets, sidewalks, and alleys; power to have all alleys, lots, cellars, privies, styes, stables, and other places of a like character to be examined, cleaned, removed, or abated; power to regulate the speed at which railroad engines and trains shall run within the limits and require said railroads to keep the street crossings in good repair, and to pave, work, macadamize, repair, or otherwise improve the crossings the width of the street and sidewalk in the same manner in which the streets and sidewalks are paved, worked, macadamized, repaired, or otherwise improved whenever the town paves, works, macadamizes, repairs, or otherwise improves the street or sidewalks up to the railroad right of way; to require all railroad companies to tile or culvert all ditches running along or across their tracks with such material and in such manner as the said board shall direct; power to make and adopt such rules, regulations, and ordinances for the control, government, management, and operation of all

electric light plants, water-power and sewerage systems in said town as may be deemed proper by said board of commissioners; power to regulate the vending of all kinds of articles upon the streets of said town.

Control of theatrical and other amusements.

Bill-posting and advertisements.

Censorship.

Removal of advertisements and suppression of play.

Failure to remove advertisements misdemeanor.

Punishment.

Production of play misdemeanor.

Punishment.

Contracts for production of plays.

Contracts subject to section.

Sec. 35. That said board of commissioners shall have full power and control over all theatrical and other public amusements in said town and all bill-posting and advertisements of the same, whether such plays or amusements are given in the town opera house or elsewhere, and for such purpose the said board may examine into and censor any play, show, or other amusement offered or attempted to be offered to the public in said town; and if in the opinion of said board of commissioners the production or exhibition of such play, show, or other amusement or the posting of bills and advertisement of the same will be injurious or deleterious to the public morals of the town, the said board of commissioners shall cause all advertisements and posters of said plays to be removed and said plays or shows to be suppressed; and if after said commissioners shall order the removal of said advertisements or bill posters, the person or persons who may have posted or caused to be posted said advertisements or bills, who shall fail or refuse to remove the same immediately upon notice, he or they shall be guilty of a misdemeanor and be fined not more than ten dollars; and any lessee of the opera house, or any other person or persons, who shall, after notice of the action of the board of commissioners, produce, or cause to be produced, any such play, show, or other amusement, or shall participate therein, shall be guilty of a misdemeanor and be fined not less than five dollars nor more than twenty-five dollars or imprisoned not exceeding thirty days. This section shall enter into and form a part of every contract made for the production of any play, show, or other amusement engaged to be produced in said town, and all such contracts shall be subject to this section of the town's charter and to the control hereby given the board of commissioners over any play, show, or other amusement deemed by said board immoral or unfit for public exhibition.

Officers to be elected by commissioners.

Officers subject to removal.

Sec. 36. The board of commissioners shall elect a clerk to the board, a treasurer, a tax collector, a chief of police, and such other policemen as it may deem needful for the efficient administration of the ordinances of the town. Such officers shall at all times be subject to removal by the board. The board of commissioners may, if it shall deem it expedient, combine the offices of clerk, treasurer, and tax collector, and these offices may be held by the same individual. The board may also, if it appears expedient, require the chief of police to act as tax collector.

Lot owners to pay for sidewalks.

Sec. 37. The board of commissioners shall have the power to require every owner of real estate in the town of Oxford to pay for the curbing and the grading and paving of the sidewalks in

front of his property or of such portion thereof as said board shall order. The board shall have the power to require such work to be done in such manner and with such material as said board may determine, and said board shall enforce such requirements by fines and penalties. In case such work is not done as required by said board, the town of Oxford may have it done and the cost thereof may be assessed against the property of such delinquent, and such cost shall be a lien on said land in the same way that taxes are now a lien on property in said town.

Work and material.

Enforcement of requirements. Work done by town on default of landowner. Cost a lien on land.

Sworn returns for taxes.

Sec. 38. That the citizens of Oxford and others liable to be taxed under the charter shall on the day prescribed for listing State and county taxes render to the clerk of the town, who is hereby constituted a commissioner of affidavits for that purpose, on oath, a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed for listing State and county taxes; and if any person shall fail to render such list within the time prescribed for State and county taxes, he shall pay double the tax assessed on any subject on which he is liable to be taxed. The clerk shall procure from the Register of Deeds of Granville County a list of all the assessments of the value of property made by the county assessors, and such other records pertaining to matters taxable by the town as shall be kept in his office, and the board of commissioners shall have full power to revise said tax lists, but shall not have power to revise the valuations of real estate.

Double tax for failure to list.

Assessments from county lists.

Revision of lists.

Valuations.

Levy of tax.

Sec. 39. That as soon as the tax lists can be completed, and not later than the first day of August, the board shall proceed to lay the tax on such subjects of taxation as they shall determine, and shall place the tax lists in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January, next ensuing, and shall pay the moneys as they are collected to the treasurer; and the tax collector, as compensation for his service, shall receive such sum as the board may determine, which shall in no case exceed three per centum of the amount collected. The board is hereby given the power to add one per centum to all taxes unpaid on the first day of December following the levy of the taxes and an additional one per centum for each succeeding month thereafter.

Collection of tax.

Completion of collection.

Payments to treasurer. Compensation of tax collector.

Penalty after December 1st.

Collection by distress and sale.

Sec. 40. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town, or at least three public places, if the property be personalty, and of twenty days if the property to be sold be real estate. The tax collector shall have power to levy and collect by distress and sale of personalty or by garnishment and attachment of debts

Distress and sale of personal property.

owing to the delinquent taxpayer at any time after the tax lists have been placed in his hands for collection, but no sales of realty shall be made but by an order of the board as hereinafter provided. Real estate.

Sec. 41. That all taxes due the said board of commissioners of Oxford are hereby declared a lien upon all property belonging to the person against whom the same may be assessed, and all such property is hereby declared subject to distress and sale for its payment. Whenever any taxes shall remain unpaid after January first, it shall be the duty of the tax collector to report the same to the board of commissioners with a description of the same and with the names of persons owning the same or in whose name it shall stand, and thereupon the commissioners may direct the same to be sold at the courthouse door by the collector, after advertisement in some newspaper published in the town, or at three public places in said town. The said tax collector may divide said land into as many pieces as to him may seem necessary, wise, and expedient, and shall sell as many as may be needful in order to pay said taxes and the expenses attendant upon said sales. If the same cannot be conveniently divided the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed as hereinafter provided, shall belong to said town in fee. Lien for taxes. Report of unpaid taxes. Sale directed. Subdivision of land. Land struck off to town.

Sec. 42. That the collector shall return an account of his proceedings to the commissioners, specifying whether the lands sold were divided, the purchaser or purchasers thereof and the prices of each, which report shall be entered upon the minutes of the board; and if there shall be a surplus after paying the taxes due, it shall be paid over to the person entitled or into the town treasury, subject to the demand of the owner. Reports of sales. Record of sales. Surplus to owner.

Sec. 43. That the owner of any land sold under the provisions of this charter, his heirs, executors, and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him or them, without interest, the proceeds, less double the amount of taxes. Time for redemption.

Sec. 44. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser, or his assigns, and the recital of such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, and of any other matter or thing required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done. Conveyance of unredeemed land. Recitals prima facie evidence.

Sec. 45. That it shall be the duty of the clerk to the board to make out and post at the courthouse door, and to publish in some Publication of receipts and disbursements.

newspaper published in the town, a fair transcript of the receipts and disbursements on the part of the town, for the general inspection of the citizens, which transcript shall be posted at least ten days after the first Monday in May in each year.

Officers not to contract with town.

Sec. 46. That no mayor or commissioner or other officer of the town shall, directly or indirectly, become a contractor for work to be done or for supplies or merchandise to be furnished for said town.

Punishment for violation of ordinances.

Sec. 47. That in the passage of all ordinances the board of commissioners shall have full power to fix the punishment for the violation of the same, which in no case shall exceed a fine of fifty dollars or imprisonment in the county jail for thirty days; and from any judgment of the mayor for any penalty imposed by him, the dissatisfied party may appeal to the Superior Court of Granville County in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Appeals from judgment of mayor.

Sale of town property.

Sec. 48. That the mayor and a majority of the board of commissioners shall have power at all times to sell at public outcry, after thirty days notice, or at private sale if said board shall so determine, any property, real or personal, belonging to the town and apply the proceeds as they may think best. The mayor is authorized to make title to any property sold under this section.

Mayor to make title.

Enforcement of sewer connections.

Sec. 49. That the board of commissioners may require all owners, tenants and occupants of improved property which may be located upon or near any street along which may extend any sewer or system of sewerage that the town may construct, own, or control, to connect with such sewer or system of sewerage all water-closets, sinks or drains located upon their respective properties or premises, so that their contents may be emptied into such sewers or system of sewerage: *Provided*, that whenever any tenant or occupant is required by any ordinance of the town to make such sewerage connection, or to do anything else which the said board has power to require, such tenant or occupant shall have a lien upon the property occupied for reimbursement to the extent of the expenses he has undergone, if the primary obligation to make such connection or to do such thing was on the landlord. Such lien shall be enforcible by competent proceedings in any court having jurisdiction of the same, and the tenant or occupant may when so entitled under the general principles of set-off use such claim against his liability for rent.

Proviso: lien of tenant making connections.

Enforcement of lien.

Set-off against rent.

Powers of commissioners.

Sec. 50. That the board of commissioners, among other powers, shall have the following:

As to burial grounds and cemeteries.

(*a*) To provide for burial grounds and cemeteries, and, if deemed advisable or if found necessary to the public health, to condemn and close burial grounds and cemeteries wherever the same may be in said town, and to remove bodies interred in such

closed or condemned burial grounds and cemeteries, and shall cause said bodies to be reinterred in some suitable place or places at the expense of the town. Removal and reinterment of bodies.

(*b*) To pass ordinances authorizing the destroying of clothing, bedding, furniture, and buildings infected with germs of any infectious or contagious diseases, when in the opinion of the board the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of any buildings or other objects after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said town. Destruction of infected property. Abatement of nuisance.

(*c*) To make regulations to prevent the introduction of contagious diseases in the town; to make quarantine laws for the purpose, and to enforce them within the town and within one mile thereof. Quarantine regulations.

(*d*) To require owners of private drains, sinks, or privies to fill, cleanse, drain, alter, relay, repair, fix and improve the same as they may be ordered by resolution or ordinance, and impose penalties upon persons failing to comply with said resolutions or ordinances. If there be no persons in the town upon whom such order can be served, the town can have such work done and the cost thereof shall be a lien on the property and taxed up against it and collected at such time and in such manner as the board of commissioners may determine. Regulation of drains, sinks, and privies. Work done by town a lien on property. Collection.

(*e*) To prevent any person from bringing, depositing, or having within the corporate limits the carcass of any dead animal or other unwholesome substance or matter of filth of any kind and to require prompt removal of the same, and to impose all necessary penalties for the enforcement of such ordinances, orders, and regulations. Sanitary regulations.

(*f*) To provide for the inspection of all milch cows, whether kept within or without the corporate limits or not, from which milk is sold within the town; to provide for the inspection of all dairies, whether within or without the corporate limits, from which milk is sold within the town; to provide, establish, and maintain a sanitary standard for such dairies from which milk is so sold within the town, and to prescribe inspection fees for such work or inspection. Milk and dairy inspections and regulations. Sanitary standards.

(*g*) To provide by ordinance that the tenant, owner, or occupant of any property shall pay to the town or to some one acting under its authority reasonable charges for the removal of night-soil or other refuse matter from the closets or privies of the town, and to prohibit any one, except some one in the employ of the town or authorized by the town to do so, from removing or carrying away the contents of any privy or closet or any receptacle for human excrement; and the town shall have the right to have inspected the premises of all persons at any hour during the daytime, in the interest of public health; and for the purpose of Removal of night-soil. Scavenger work. Inspection of premises. Right of entry.

making said inspections or to remove said night-soil the officers or agents of the town duly authorized to do so shall have the right to enter upon the premises of any person at any hour in the daytime for said purposes. The board of commissioners shall have power to pass ordinances for the proper enforcement of the requirements herein provided for and to enforce the payment of all license taxes imposed for the removal of said night-soil by proper penalties.

Enforcement of requirements and payment of license taxes.

Regulation of transfer business.

(*h*) To make all needful ordinances for the regulation of hotels and public houses, draymen, horse drivers, omnibus drivers, hack drivers, automobiles and drivers of baggage wagons and all other vehicles; to establish maximum rates for all kinds of transportation within the corporate limits; to provide where hacks, carriages, and other vehicles shall stand when meeting trains at railroad stations, and to pass all needful ordinances for the preservation of good order at such places.

Animals running at large.

(*i*) To regulate, prohibit, and restrain the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, pigeons, dogs, and all other kinds of animals whatsoever, and to authorize the distraining and impounding of such animals when found running at large, and to order their destruction when the same are not redeemed or cannot be sold, and to impose penalties on the owners thereof for the violation of any ordinances regulating or prohibiting the same.

Games and amusements on streets.

(*j*) To prohibit, restrain, or regulate the rolling of hoops, flying of kites, firing of firearms, use of velocipedes and bicycles, and use of any pyrotechnics or any other amusement or practice tending to annoy persons passing upon the streets or to frighten horses or teams.

Noise ordinances.

(*k*) To restrain and prohibit the ringing of bells or blowing of horns, bugles, or whistles, crying of goods or other noises, practices, or performances tending to the collection of persons on the streets or sidewalks by auctioneers or others for the purpose of business or otherwise.

Prohibition of begging.

(*l*) To prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with disease of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of said town, and to provide a penalty by fine for the nonobservance of said ordinances.

Regulation of trains and engines.

(*m*) To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines or locomotives within the town and to regulate the speed of railroad engines, locomotives, and trains passing through, into, or out of said town.

Preservation of good order. Improper language and disorderly conduct.

(*n*) To pass ordinances for the preservation of good order in said town; to provide penalties for the use of abusive, profane, blasphemous, and insulting language, and of all disorderly conduct.

Speed regulations.

(*o*) To prohibit, prevent, and suppress horse racing, immoderate driving or riding in the streets of said town.

(*p*) To pass ordinances compelling persons to fasten their horses or other animals attached to vehicles or otherwise hitched and standing in the streets. Fastening horses.

(*q*) To prevent all boxing matches, sparring exhibitions, cock-fighting and dog-fighting, and to punish the persons thus offending. Boxing, cock- and dog-fighting.

(*r*) To define what shall be nuisances in the town, and to abate such nuisances by summary proceedings, and to punish the authors thereof by penalties, fines, and imprisonment. Definition and abatement of nuisances.

(*s*) To prohibit and punish by fine the willful introduction into the town by railroads or other carriers of paupers or persons infected with contagious diseases. Introduction of infected persons.

(*t*) To control and regulate the storing of dynamite within the corporate limits or within one mile thereof; to control and regulate the location and use of all kinds of vehicles, automobiles, steam engines and steam boilers in said town and the running of the same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort. Dynamite. Traffic regulations.

And, generally, said board of commissioners shall have power and authority to pass all needful ordinances, rules and regulations for the government of said town, to preserve the good order, decency, and comfort of its citizens and inhabitants, whether said power and the subjects thereof are specifically enumerated in this charter or not; to pass all ordinances, rules and regulations as said board may deem expedient and necessary for the preservation of the health, safety, comfort, and good morals of the town; to maintain a fire department and to provide all needful rules, ordinances, and regulations for the government of said fire department and to prevent, suppress, and extinguish fires in said town. General legislative powers.

Sec. 51. The right of control, easement, use, ownership of and title to the streets, highways, sidewalks, thoroughfares, and property of the town of Oxford, its avenues, bridges, and all other places and property are hereby declared to be inalienable except by ordinances duly passed by a majority of all the members of the board of commissioners, and no grant of any franchise or easement in said streets, sidewalks, highways, and thoroughfares, either on, along, through, or across, under or over the same, to any corporation or association or individual, shall be granted by the board of commissioners for a longer period than thirty years, unless the same be submitted to a vote of the legally qualified voters of the town of Oxford in an election which may be called at any time for said purpose by said board of commissioners: *Provided*, that no grant of a franchise shall be made for a longer period of time, whether with or without a vote of the people, than fifty years. Rights inalienable but by ordinance. Limit of grant of franchise. Proviso: absolute limit.

Sec. 52. The board of commissioners may also, upon its own motion, submit all applications or ordinances requesting or grant- Proposition for franchises submitted to vote.

ing franchise or special privileges in or to the streets, sidewalks, highways, and thoroughfares of the town of Oxford to an election at which the people of Oxford shall vote upon the proposition therein submitted. No such franchise shall ever be granted until it has been read in full at three regular or special meetings of the board of commissioners, and an interval of at least two weeks shall occur between each of said three meetings.

Method of granting franchise.

Annual reports of corporations.

Sec. 53. Every corporation holding a franchise or enjoying an easement of any sort through, under, or from the town of Oxford shall be required to prepare and file annually with the board of commissioners at the same time as report is made to the Corporation Commission a true, full, and correct copy of said report. If any person signing such report shall willfully make a false representation therein, he shall be guilty of perjury and punished therefor as prescribed by law. If any corporation required to file said report fails to do so within thirty days after due notice, such corporation shall be subject to a penalty of fifty dollars ($50) for each and every day such report is withheld.

False representation perjury.

Penalty for failure to file report.

Taxing power.

Sec. 54. That in order to raise a fund for the expenses incident to the government of said town, to the payment of interest on all bonds owing by said town, and for the necessary purpose of said town government, the board of commissioners may annually levy and collect the following taxes, namely:

Property tax.

(1) On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks, and all other subjects taxed by the General Assembly *ad valorem*, except incomes, a tax not exceeding sixty cents on every hundred dollars value.

Poll tax.

(2) On all taxable polls who may be resident in the town on the first day of May of each year, or who may have been so resident within sixty days next preceding that day, a tax not exceeding three dollars.

Purchase tax.

(3) On every hundred dollars value of goods, wares, and merchandise purchased for retail by any merchant trading in the town within one year next preceding the first day of May of the year in which the same is listed, a tax not exceeding twenty cents.

Tobacco warehouses.

(4) On all warehouses for the sale of leaf tobacco, a tax not exceeding twenty-five dollars per year.

Stemmeries, prize and storage houses.

(5) On all stemmeries, prize-houses and storage houses used for the stemming, prizing, and storage of tobacco, a tax not exceeding twenty dollars.

Leaf tobacco dealers or buyers.

(6) On all dealers in and buyers of leaf tobacco, a tax not exceeding ten dollars per year.

Commission merchants, brokers, or auctioneers.

(7) On all commission merchants, brokers, and auctioneers, a tax not exceeding five dollars per year.

(8) On all dogs kept in the town, a tax not exceeding two dollars per year. Dogs.

(9) On all itinerant merchants or peddlers vending or offering to vend in the town, except such only as sell books, charts, maps, pictures and paintings, a tax not exceeding fifty dollars per annum. Peddlers.

(10) On every billiard table, bowling alley or pool table, except those used in private families, a tax not exceeding fifty dollars per year. Tables for games.

(11) On every hotel, restaurant, or victualing house, a tax not exceeding fifty dollars per year. Hotels and restaurants.

(12) Upon every circus, dog and pony show or menagerie exhibiting within the town or within one mile thereof, a tax not exceeding fifty dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be doubled. Shows.

(13) Upon every person or company exhibiting in the town or within a mile thereof stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, or wire dancing or walking, a tax not exceeding ten dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting, or the same to be doubled. Stage and other plays.

(14) Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the town or within one mile thereof, a tax not exceeding ten dollars, to be paid before exhibition, or the same to be doubled. Artificial curiosities.

(15) Upon each show or exhibition of any other kind, and upon each concert for reward, each strolling musician, palmist and fortune-teller, a tax not to exceed five dollars, to be paid before exhibition, or the same to be doubled, except for charitable and benevolent purposes or to aid in any public improvement in the town. Other shows.

(16) Upon every express company, oil company, telephone company, telegraph company, electric light company, electric power company, gas company, and water company doing business in the town, a privilege tax not exceeding one hundred dollars per year, this tax to be levied and collectible, any provision in the general revenue and machinery act or acts of the State of North Carolina, limiting generally the power of municipalities to tax such companies, to the contrary notwithstanding. Sundry corporations.

(17) Upon all banks or banking companies located in the town, a tax not exceeding fifty dollars per year. Banks.

(18) Upon every lawyer, dentist, doctor, and physician doing business in the town, a tax not exceeding five dollars per year. Lawyers, dentists, and doctors.

(19) Upon all photographers, opticians, butchers, undertakers, druggists, retailers of soft drinks or fish dealer, a tax not exceeding ten dollars per year. Photographers and other business.

(20) Upon each itinerant physician, optician, vender of patent medicines or other itinerant selling or offering to sell any com- Itinerant physician and other itinerants.

modities of any description not herein otherwise enumerated, a tax not exceeding fifty dollars per year.

Livery stables, garages, and horse dealers.

(21) Upon each livery stable, garage, horse driver and horse dealer, an annual privilege tax not exceeding twenty-five dollars.

Barber shops.

(22) Upon each barber shop, a tax not exceeding two dollars per year for each barber employed in the shop.

Slot machines, skating rinks, and other establishments.

(23) Upon each slot machine, skating rink, bottling works establishment, baby-rack, shooting gallery, or other play, game, or sport carried on for profit, a tax not exceeding ten dollars per year.

Merry-go-round.

(24) Upon each merry-go-round, a tax not exceeding twenty-five dollars per year.

Oil wagon.

(25) Upon every oil wagon, a tax not exceeding ten dollars for each horse used.

Organ and piano tuner, fruit-tree and junk dealer.

(26) Upon each organ and piano tuner, fruit-tree dealer, and junk dealer, a tax not exceeding five dollars per year.

Poles.

(27) Upon all poles erected on the streets or sidewalks or elsewhere within the corporate limits of said town, a tax not exceeding one dollar per year on each pole.

Omnibus and automobiles.

(28) Upon every omnibus, automobile used for the carriage of persons for hire, a tax not exceeding fifteen dollars per year.

Hacks and drays.

(29) Upon every hack, carriage, or other vehicle, including express wagons, used in the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding twelve dollars per year, and a discrimination may be made between one- and two-horse vehicles.

Encroachments on sidewalks.

(30) Upon all encroachments on the streets by porches, piazzas, steps, cellars, or otherwise allowed by the commissioners, a tax not exceeding one dollar per square foot per year.

Ice, coal, and lumber dealers.

(31) Upon every ice dealer, coal dealer, lumber dealer, a tax not exceeding ten dollars per year.

Application for license.

Sec. 55. That before engaging in any of the businesses, professions, or occupations referred to in section fifty-four of this act, the person or persons or corporations desiring to engage in such businesses, professions, or occupations shall apply to the tax collector of said town of Oxford for a license to engage therein and pay the tax designated when levied by the board of commissioners, and said tax collector shall issue a license, which shall be countersigned by the mayor, granting to such person the privilege of engaging in the business, profession, or occupation designated up to the first day of June next thereafter. All license granted as herein provided for shall be deemed and held to be a personal privilege, and not transferable, and shall run for twelve months from the first day of June preceding the date they are granted.

Payment of tax.

Issue of license.

License not transferable.

License year.

Election on extension of limits.

Sec. 56. That on thirty days notice, the board of commissioners of the town of Oxford shall submit to the qualified voters within

the territory described in section two of this act the question whether the corporate limits of said town of Oxford shall be extended to a distance of twelve hundred and fifty yards from the center of the main entrance door of the courthouse in said town in all directions. At said election those electors who favor such an extension of the corporate limits of said town shall vote a written or printed ballot with the words "For Extension of Town Limits" on it, and those who are opposed to such extension shall vote a written or printed ballot with the words "Against Extension of Town Limits" on it. Ballots.

Sec. 57. The board of commissioners of said town shall provide for said election by selecting a registrar and two judges of election, and they shall order a new registration of all qualified voters within the territory described in section two of this act, and said election shall be held under the rules and regulations prescribed by law for holding elections in cities and towns in this State. Notice of said election shall be given by the mayor of said town by advertisement for thirty days in some newspaper published in said town of Oxford or by posters at the courthouse door and four or more public places within the territory described in section two hereof, or by both of said methods. Election officers. New registration. Law governing elections. Notice of election.

Sec. 58. That said registrar and judges of election shall ascertain and declare the result of said election and under their hands and seals make report of the same to the board of commissioners of the town of Oxford, which said report shall be recorded on the minutes of said board; and if a majority of the votes cast in said election shall be "For Extension of Town Limits," then and in that case all the provisions of this act shall apply to all that territory described in section two of this act, and the lines therein provided for shall constitute the corporate limits of the town of Oxford; and in the event that the majority of the votes cast in said election shall be "Against Extension of Town Limits," then and in that case the provisions of this act shall extend and apply to that territory within the present corporate limits of said town of Oxford, and the same shall constitute and continue to be the corporate limits of said town of Oxford, and shall be governed by the provisions of this act. Count of vote and declaration and report of result. Record. Effect of election.

Sec. 59. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 60. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 303.

AN ACT TO EMPOWER THE BOARD OF EDUCATION OF PITT COUNTY TO TRANSFER THE PRESENT GRADED SCHOOL SITE TO THE PRESENT BOARD OF TRUSTEES OF THE AYDEN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Transfer directed.

Section 1. That the board of education of Pitt County is hereby empowered and directed to deed the present site and buildings of the Ayden Graded School District to the board of trustees of said school, to be used by them as a site upon which to erect a school building for said district, or to be sold by them and the proceeds to be used in the purchase of some other site and the erection of a building thereon.

Disposition of property.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 304.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF DUNN TO CORRECT AND CHANGE THE PLAN OF SAID TOWN AND TO ADOPT AN OFFICIAL MAP THEREFOR.

Preamble: plan adopted and registered.

Whereas, in the early history of the town of Dunn an official map and plan of said town was adopted, and the same was duly registered in the office of the Register of Deeds of Harnett County; and whereas, in the actual laying off of said town said adopted plan and map were disregarded, in that certain streets of said town are not actually laid off with the same width or location as that called for by said plan and map, and in that certain squares or parts of squares have been indicated as vacant, which have been disregarded in the actual development of said town; and whereas it is deemed expedient by the board of commissioners of said town to adopt a new plan and map of said town conformed as nearly as practicable to the plan actually adopted in the development of said town, to the end that the streets, boundaries, and the location of private lots may be accurately and definitely ascertained and known: Now, therefore,

Preamble: variance.

Preamble: new plan and map expedient.

The General Assembly of North Carolina do enact:

Resurvey authorized.

Section 1. That the board of commissioners of the town of Dunn be and they are hereby authorized to make a complete resurvey of the town of Dunn, to definitely mark the lines of streets, blocks, public squares, and the corporate limits of said

Markers.

town with permanent markers, and to adopt an official map showing the accurate plan of said town. Official map.

Sec. 2. That in the survey herein authorized and in adopting a map conformable thereto the said board of commissioners shall have due regard to the registered plan of said town, but are authorized to change and disregard said registered plan when necessary to conform to the actual laying off of said town: *Provided*, nothing herein shall be construed to authorize or permit the board of commissioners to grant or change in any way the public squares or plats as originally set apart to said town. Details of map and plan. Proviso: public squares not changed.

Sec. 3. That prior to the adoption of said new plan and map, the board of commissioners shall give public notice in some newspaper published in said town of the date when the board of commissioners will meet to consider the adoption of a new plan and map of said town, at which meeting any citizen of said town, or any lot owner therein, or his or her agent or attorney, may be heard in opposition to the adoption of any feature of said plan or map, and said meeting may be adjourned from day to day in order to make any corrections or new map that the board of commissioners may deem expedient. Notice of meeting for adoption of map. Hearing. Adjournment.

Sec. 4. That upon the adoption of said plan and map the board of commissioners shall cause said map to be registered in the office of the Register of Deeds of Harnett County, and on and after the date of its registration it shall be deemed and held to be the official map of the town of Dunn, and all deeds calling for the streets, alleys, blocks, or numbered lots shall be deemed to refer to said new plan and map in so far as the streets, blocks, and lots in the new map and plan shall be named, lettered, and numbered in conformity with the general plan of the former plan and registered map of the town. Registration of map. Deeds to refer to map.

Sec. 5. That any person, firm, or corporation who shall be in any wise affected by any change made in the plan of said town, or the location of whose lines or property shall be in any wise changed on account of the adoption of said new plan and map, may within one year after the registration of said new map, and not thereafter, bring an action at law, or other appropriate proceeding, in any court of competent jurisdiction for the purpose of conserving any property rights which such person, firm, or corporation may deem affected by the adoption of said new plan and map of said town: *Provided*, that infants and persons under other disabilities may have one year after the attainment of full age, or after the removal of such other disability, in which to bring any such suit or other proceeding. Time for beginning actions. Proviso: time for persons under disability.

Sec. 6. That all laws and clauses of law in conflict with this act be and the same are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 305.

AN ACT TO INCORPORATE A BENEVOLENT ASSOCIATION KNOWN AS "THE GREAT POSTOLIC TEMPLE."

Preamble: voluntary association.

Whereas Clara E. Wiggins, G. A. Purvis, Ulysses S. Martin, J. C. Gorham, Cherry Bryant, Dellah Rodman, N. W. Cotton, Abraham Swindell and Percy Stevens, in conjunction with others, have joined together in an effort to organize a lodge for benevolent purposes, to care for its members by providing medical attention and nurse, and for the care and education and general uplift of coming generations of the colored race, and for said purposes deem it wise that the said parties and their successors in office should be incorporated:

The General Assembly of North Carolina do enact:

Corporators.

Corporate name.

Corporate powers.

Term of corporation.

Section 1. That Clara E. Wiggins, G. A. Purvis, Ulysses S. Martin, J. C. Gorham, Cherry Bryant, Dellah Rodman, N. W. Cotton, Abraham Swindell, and Percy Stevens, under the incorporate name and style of "The Great Postolic Temple," are hereby declared and constituted a body politic, and by that name and style shall have perpetual succession and a common seal, the right to contract and be contracted with, sue and be sued, plead and implead in any of the courts of this State, and with full power to pass and adopt such by-laws and regulations not inconsistent with the general laws of the State and the United States as may be necessary to accomplish and fully carry out the objects and purposes of this said corporation, and may have all such rights, powers, privileges, and immunities for ninety-nine years as are incident to such corporations.

Management of corporation.

Appointment of successors.

Associates.

Sec. 2. That the said incorporators, and such persons and their successors as may from time to time associate with them, shall have sole charge and management of the affairs of the said corporation under such by-laws and regulations as may be adopted, and in the event of the death, resignation, or expulsion of any officer or member, the said corporation shall have the right to appoint a successor or successors under the by-laws and regulations adopted for the management of the said lodge, and may from time to time associate such other persons as they shall deem proper, who shall have and be vested with all the rights, privileges, and powers that are granted the said incorporators by the provisions of this act and by the by-laws of said corporation.

Juvenile lodges.

Sec. 3. That the said incorporation shall have the right and power to establish a juvenile lodge for the care, protection, and education of children of the colored race, under such by-laws, rules and regulations as may be adopted.

Object and purpose of corporation.

Sec. 4. That the object and purpose of the said corporation shall be to care for its members by providing sick benefits, medical

attention, moral support, and proper burial of its members, and for the general care and uplift of its membership, which is limited to the colored race, and particularly to care for the unfortunate and destitute.

Regalia. Right to hold property.

Sec. 5. The said corporation shall have the right and power to adopt proper regalia, to purchase, lease, take and receive by purchase, gift or devise in fee simple all manner of lands, tenements, rents, annuities, and other hereditaments, and to sell, convey, lease, and sublet the same, and shall have the right and be capable in law to take and receive all money, books, goods, and chattels which may be sold or bequeathed to it for the use of the said corporation, and sell and dispose of the same, and the proceeds thereof when sold or disposed of shall be held by the said corporation in special trust for the objects and purposes for which the said corporation is organized.

Real estate. Power to borrow and loan money.

Sec. 6. That the said corporation shall have the right to buy land or lease such buildings as lodge-rooms as it may deem necessary for the proper transaction of its business, and the power to borrow money and secure the payment of the same by mortgage or deed of trust upon its property, and to loan any money which it may hold for the use and purposes of the said corporation for such length of time and upon such securities as may be authorized by the by-laws and regulations which may be hereafter adopted by the said corporation.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 306.

AN ACT TO MAKE PERMANENT THE PROCEEDS DERIVED FROM THE SALE OF THE ELECTRIC LIGHT PLANT OF THE CITY OF GOLDSBORO.

Preamble: sale of plant and contract for light.

Whereas the board of aldermen of the city of Goldsboro did, on the eleventh day of May, nineteen hundred and twelve, sell to the Carolina Power and Light Company the electric light plant and system belonging to said city, and entered into a ten-year contract with said company for municipal lighting, said sale being subject to the approval of the qualified voters of the said city at an election to be held for that purpose; and whereas said election was held on the seventeenth day of June, one thousand nine hundred and twelve; and whereas a majority of said voters did, at said election, approve and confirm said sale, with the understanding that the proceeds derived therefrom (after paying or providing for the payment of any outstanding debts or bonds incurred or issued in connection with said electric light plant and system, should be invested by said city and that the interest therefrom

Preamble: election held.

Preamble: confirmation of sale. Understanding at election.

should be applied to municipal lighting of the city of Goldsboro; and whereas the lighting contract which said city made with said Carolina Power and Light Company runs for a period of ten years from and after July first, one thousand nine hundred and twelve; and whereas the city of Goldsboro desires to invest and make the proceeds derived from said sale permanent, for a period from the ratification of this act until the expiration of said lighting contract with said Carolina Power and Light Company, to wit, July first, one thousand nine hundred and twenty-two, and apply the interest derived from the investment thereof to municipal lighting: therefore,

Preamble: time of contract.

Preamble: investment desired.

The General Assembly of North Carolina do enact:

Money to be turned over and deposited.

Section 1. That the money derived from the sale of the electric light plant of the city of Goldsboro to Carolina Power and Light Company shall be turned over to the city treasurer and be deposited by him in such bank or banks in said city as the finance committee of the board of aldermen of the city of Goldsboro shall direct; that said money shall be known and termed as "The Electric Light Fund"; that the same shall be invested or loaned under the authority, direction, and approval of the said finance committee, and the interest so derived shall be used for municipal lighting; that no orders or checks by the city treasurer on said fund shall be valid unless countersigned by a majority of the said finance committee.

Electric light fund.

Investment of fund.

Use of interest.

Checks on fund.

Loan or appropriation to city forbidden.

Sec. 2. That said finance committee shall not lend any of said fund to the city of Goldsboro, nor shall any part thereof be used in defraying any of the expenses for the government of said city.

Sec. 3. That all laws, clauses or parts of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall take effect and be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 307.

AN ACT TO AMEND THE CORPORATE LIMITS OF THE TOWN OF WEBSTER IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter six of the Private Laws of the Extra Session of one thousand nine hundred and eight be and the same is hereby repealed, and there shall be inserted in lieu thereof the following:

Corporate limits.

Beginning at the mouth of Mingus' Mill Creek at the southeast corner of James Dillard's farm and runs with his east line to J.

W. Davis's east line, the corner of the county home farm; thence with the county home farm and J. W. Davis's line to the bend of the road at a small branch near the town of Webster, and between the town of Webster and the town of Sylva; thence up said branch to a bridge on the Sherrill and Gribble lands; thence a northwest course to the forks of the road below Tyler Buchanan's house; thence with the wagon road to Dan Frizell and Laurence Buchanan's road just north of the town graveyard; thence with Dan Frizell and Laurence Buchanan's road to the point of the ridge below Laurence Buchanan's barn; thence to F. H. Leatherwood's northeast corner on top of a ridge, and running so as to include the springs from which the town of Webster is supplied with water; thence with F. H. Leatherwood's back line to A. W. Davis's line; thence with A. W. Davis's back line to the Tuckaseigee River; thence up the said river with its meanders to the beginning.

Order of town commissioners and election validated.

Sec. 2. That the order of the board of commissioners of the town of Webster, made and entered at a meeting held in the town of Webster on the twenty-third day of March, one thousand nine hundred and twelve, establishing the above boundary as the corporate limits of the said town of Webster, the election ordered to be held, and held on the first Saturday in May, one thousand nine hundred and twelve, within said boundary, the tax levy made in pursuance of said election; and all the other acts done and committed by the said board of commissioners in pursuance thereof, be and the same are hereby declared to be legal and valid.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 308.

AN ACT TO AMEND CHAPTER 82, PRIVATE LAWS OF 1901, ENTITLED "AN ACT TO CHANGE THE NAME OF THE TOWN OF UNION CITY TO ASHPOLE AND TO AMEND THE CHARTER THEREOF."

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That section three of chapter eighty-two, Private Laws of one thousand nine hundred and one, be so amended as to read as follows: That the corporate limits of said town (now the town of Fairmont: see Acts of one thousand nine hundred and seven) shall be and are hereby declared to be included within the following boundaries, to wit: Beginning at a point three-quarters of a mile due north of the intersection of Main and Iona streets (formerly Inman and Iona roads) in the present town of

Fairmont, and runs due east one-half mile; thence due south one and one-quarter miles; thence due west one mile; thence due north one and one-quarter miles; thence due east one-half mile to the beginning, so as to form a right-angled parallelogram with the dimensions one and one-quarter miles by one mile.

Sec. 2. That all laws in conflict with this act are hereby repealed. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 309.

AN ACT TO AMEND CHAPTER 237 OF THE PRIVATE LAWS OF 1907, RELATING TO CANTON GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. That section fourteen of chapter two hundred and thirty-seven of the Private Laws of one thousand nine hundred and seven be and the same is hereby repealed, and the following is enacted in lieu thereof:

Election of trustees. That on the first Monday in June, one thousand nine hundred and thirteen, the board of aldermen of the town of Canton shall elect five persons who shall be designated the Board of Trustees of the Canton Graded School, who shall enter upon the discharge

Powers. of their duties as such board of trustees immediately, and shall have all powers which may be necessary for carrying on the said graded school, and all the powers delegated to them in chapter two hundred and thirty-seven, Private Laws of one thousand nine hundred and seven (except section fourteen, which is hereby repealed).

Terms of office. Sec. 2. That two of the said members of the said board shall serve for a period of two years, two for a period of four years, and the other for a period of six years, or until their successors

Election by ballot. are elected. The said election shall be by ballot, and any person

Persons eligible. who is a *bona fide* resident of the town of Canton and known to be in favor of public education shall be eligible to election on the

Proviso: nomination. said board: *Provided, always*, that such person shall have been nominated in writing, which said nomination shall be signed by at least five legally qualified electors of the town of Canton.

Vacancies. Sec. 3. That the board of aldermen of the town of Canton be and they are hereby authorized and empowered to fill, by election, as provided in the next preceding section, any vacancy which may from time to time occur in the said board of trustees by

Removal for cause. death, resignation, or otherwise, and shall have power to remove any member of said trustees for misconduct amounting to malfeasance in office.

Sec. 4. That no person shall be eligible to election on the board of trustees of the Canton Graded School who is a member of the board of aldermen of the town of Canton. No person who has served a term as alderman of the town of Canton shall be eligible to election on the said board of trustees within one year from the expiration of his term of office as such alderman, and no person shall be eligible to the office of alderman of the town of Canton who is a member of the board of trustees of the Canton Graded School, nor shall they be eligible within one year from the expiration of their term of office as a member of said school board. Aldermen not eligible. Trustees not eligible as aldermen.

Sec. 5. That all laws and parts of laws in conflict with any of the provisions of this act, whether in chapter two hundred and thirty-seven of the Private Laws of one thousand nine hundred and seven or in any other act, are hereby repealed. Repealing clause.

Sec. 6. That this act shall be in force from and after the first Monday in June, one thousand nine hundred and thirteen. When act effective.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 310.

AN ACT TO AMEND CHAPTER 204 OF THE PRIVATE LAWS OF 1903, WHICH CHAPTER IS ENTITLED "AN ACT TO CONSOLIDATE AND AMEND THIS CHARTER OF THE CITY OF BURLINGTON," SO AS TO PROVIDE FOR DISCOUNTS FOR THE PROMPT PAYMENT OF TAXES AND PENALTIES FOR DELINQUENT PAYMENT OF TAXES IN SAID CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and four of the Private Laws of one thousand nine hundred and three be amended by inserting immediately following section twenty thereof, and immediately preceding section twenty-one thereof, the following: That all taxes levied by the proper authorities of the city of Burlington for any and all purposes shall be due and owing on September first of each year. That to those parties paying taxes during the month of September there shall be allowed a discount of two per cent (2%); to those parties paying during the month of October there shall be allowed a discount of one per cent (1%); to those parties paying during the month of November there shall be allowed a discount of one-half of one per cent (½%). If parties should fail to pay taxes on or before January first following the year they are levied, then they shall pay a penalty of one per cent (1%); if they should fail to pay on or before February first, they shall be charged a penalty of two per cent (2%); and Taxes due. Discount for prompt payment. Penalties for delay.

one per cent (1%) additional for each and every month or fractional part thereof during which they shall fail to pay said taxes; and these penalties shall be in all respects collectible as are the taxes so levied and assessed.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 311.

AN ACT TO AID IN THE COLLECTION OF ALL SPECIAL TAXES FOR NEW HOPE DISTRICT, No. 6, NEW HOPE TOWNSHIP, IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Collection by special tax collector.

Section 1. That all taxes levied in New Hope District, Number Six, New Hope Township, in Chatham County, for local school purposes by virtue of the vote of the inhabitants of that district for the levying of special school taxes shall be collected by a special collector to be selected by the school committee of said district, who shall collect, pay over, and account for the same in the same manner and for the collection of the same as the Sheriff of Chatham County now has and who shall act for such service as special collector on a commission not exceeding two and one-half per cent upon the total amount collected.

Selection by school committee.
Collection and settlement.
Commission.

Bond of collector.

Sec. 2. That the said collector shall, before entering upon his duties, enter into a good and sufficient bond in an amount in the discretion and with surety which shall be satisfactory to the school committee of said district, said bond to be given to the county commissioners of said county, for the faithful performance of his duty, and which said bond shall be liable for any and all sums collected by said special collector.

Reports in duplicate.

Sec. 3. That said special collector shall, as often as required by the school committee, render a report of the amount collected, amount due, amount previously paid to the school committee, the amount on hand, which said report shall be made in duplicate, one to the school committee of said district and one to the county commissioners of said county.

Taxes paid direct to school committee.

Sec. 4. That said tax or taxes when collected shall as often as is in the discretion of the school committee required be paid to the school committee direct, which school committee shall execute in duplicate its receipts for the same, forwarding one to county commissioners of said county and giving the other to special commissioner.

Sec. 5. That the clerk of the board of county commissioners of said county shall keep in a book provided for that purpose an account as shown by the said reports and receipts of all moneys collected by said collector, and paid over by him to the school committee and amounts shown on hand, which said books shall at all times be open to the inspection of any and all persons. Accounts. Accounts open for inspection.

Sec. 6. That the said special collector shall have the same power to levy on property for the collection of said taxes and sell the same as is at present given to the Sheriff of Chatham County, and shall be bound by the law of levy and execution for taxes as if he were Sheriff of Chatham County. Collection by distress.

Sec. 7. That the said special collector shall keep and maintain a special receipt book which shall be furnished him by the register of deeds of the county, and charged to the expense of the said school district, and that the register of deeds of said county shall make up and forward said special collector, as in other cases named and provided, a book showing the amount of taxes due in said district by each person, showing the property on which it is due, in the same manner that he now makes up the sheriff's book of said county, and he shall be paid therefor, out of the funds collected by said special collector, an amount agreed upon by the commissioners of said county and the school committee of said district. Tax receipt book. Tax lists. Payment to register.

Sec. 8. That the sheriff of said county will continue to collect all taxes for the year one thousand nine hundred and twelve until the same have been collected in full, and that the special collector shall as herein provided collect only the taxes for the year one thousand nine hundred and thirteen and following years. Taxes collected by sheriff. Taxes collected by special collector.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 312.

AN ACT TO PROVIDE FOR SPECIAL ASSESSMENT FOR IMPROVEMENT OF SIDEWALKS IN THE TOWN OF FAIRMONT.

The General Assembly of North Carolina do enact:

Section 1. That the land in said town of Fairmont abutting on sidewalks and streets shall be liable to a special assessment for the improvement and paving of sidewalks upon which land may abut, the improvement to be by grading, curbing, paving, or in such a manner and of such a character as the commissioners of the said town may determine, and to that end the commissioners of Land liable to special assessment. Selection of sidewalks for improvement.

the said town are hereby authorized and empowered from time to time to designate such sidewalks or parts of sidewalks as they may elect, and to improve and pave such sidewalks or parts of sidewalks so designated in such a manner as they may see fit, and assess the land abutting thereon for the payment of the cost of improvement and paving all sidewalks on Main Street from the Atlantic Coast Line Railroad to the point where Church Street and Main Street intersect, and on Center Street from Main Street to the point where Center Street and Walnut Street intersect, and on all other streets, the assessment not to be more than two-thirds of the cost of the improvement or paving of the sidewalks. Immediately upon the completion of the improvement or paving upon any designated sidewalk, the owner of each lot or parcel of land abutting thereon shall be notified in writing, a copy of which notice shall be left with him (if he be a resident of the said town or the county of Robeson), of the amount of his assessment on his lot or parcel of land; and if the owner shall be a nonresident of the town and of the county, and having a known agent resident of the town or the county, then such notice shall be personally served upon such agent; and if the owner be a nonresident of the town or the county and having no known agent resident in either, then such notice shall be mailed to him if his address be or can be by diligent inquiry ascertained, and also published for four successive weeks in some newspaper published in Robeson County, and said notice shall specify the time within which said assessment shall be paid, which shall not be less than thirty days from and after the service of the notice; and after publication be made, the notice shall be deemed served at the time of the publication of the notice. The said assessment shall be a lien on the said abutting land, and if the owner shall refuse or neglect to pay the full amount of assessment so made against any lot or parcel of land within the time mentioned in the notice, then the mayor may sell the same at public auction to the highest bidder at the door of the courthouse in said county of Robeson, for cash, after advertising the time, place, and terms of sale, as may be required by law of sheriffs in selling land under execution. If said land at such sale shall not bring more than the assessment against it and the cost of advertising sale, the said mayor shall bid it in for the town. If bid in by the mayor for the town, the owner shall within one year from the sale pay to the town the amount of the assessment, cost of advertising sale, and ten per cent thereon, and thus divest his land of the lien. If the owner fail to pay within one year, then the mayor shall execute deed for said land to the town, and his deed shall be sufficient in law to convey the title of the owner. If said land be knocked down to another, then the mayor shall give to the purchaser a receipt for the price bid, and shall apply so much of the money paid as may be necessary to pay assessment

Work done by town.

Sidewalks subject to improvement.

Two-thirds of cost on other streets.

Owners notified of amount.

Notice to nonresidents.

Time of payment.

Assessment a lien on land.
Sale for assessment.

Land bid in for town.

Time for redemption.

Deed on failure to redeem.

Receipt to purchaser.

Application of price.

and cost of advertising sale, and the balance he shall turn over to the owner, and the owner may within one year from said sale pay to the purchaser of said land the amount of his bid, together with ten per cent thereon, and thereupon the purchaser shall surrender the receipt and have no further claim on said land. In default of the owner paying within one year, as provided he may do, the mayor shall at the expiration of the year execute a deed in fee to the purchaser of said land, which shall be sufficient in law to convey the estate of the owner therein.

Time for redemption.

Deed for land not redeemed.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 313.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Marshville, living within the limits hereinafter described, shall be and continue, as they have heretofore been, a body politic and corporate, and hereafter the corporation shall bear the name of "The town of Marshville," and under such name and style is hereby invested with title to all property, real and personal, which now belongs to the town of Marshville under any other name or names heretofore used, and by this name may acquire and hold for the purposes of its government, welfare and improvement all such estates as may be devised, bequeathed, or conveyed to it; and it may sell, dispose of, and invest the same as shall be deemed advisable by the proper authorities of the corporation. It may also adopt a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, and generally do any and all acts necessary for the welfare of its inhabitants and the preservation of the property of its citizens.

Incorporation.

Corporate name.

Property vested.

Corporate powers.

Sec. 2. That the corporate limits of said town shall be and remain as they are now established by former acts of the General Assembly of North Carolina. That the government of said town and the administration of its municipal affairs shall be vested in a chief magistrate, to be styled the mayor, and five aldermen, who shall be elected by the qualified voters of said town on the first Tuesday after first Monday in May, nineteen hundred and thirteen, and biennially thereafter. The said board of aldermen shall have the power and it shall be their duty to elect a chief of police, a tax collector, and a secretary and treasurer, and such additional policemen as shall be deemed necessary for the proper

Corporate limits.

Government and administration.

Election of mayor and five aldermen.

Officers to be elected by aldermen.

Chief of police may be tax collector. Secretary may be treasurer.

protection of the citizens and property of said town. One person may be both chief of police and tax collector, and one person may be both secretary and treasurer of said town, the latter of whom may be chosen from the board of aldermen or from the citizens of the town.

Appointment of registrar.

Sec. 3. That it shall be the duty of the board of aldermen at their meeting in March preceding the election to appoint a registrar of voters, whose duty it shall be to register all persons

Advertisement for registration.

qualified to vote in the said election, and for that purpose he shall advertise in a newspaper published in the town the place where the said books are opened for the registration of voters

Registration.

and the time in which voters may register, and at such time and place, beginning on the sixth Saturday before the election and on each succeeding Saturday until the second Saturday before the election, he shall register all persons who have been residents of the town for six months and are qualified voters in the election

Registration in anticipation of majority.

of members of the General Assembly of North Carolina. The registrar is authorized to register any person, otherwise qualified, who will attain his majority between the close of the registration book on the second Saturday before the election and the day of

Judges of election.

election; and the said board of aldermen shall appoint two judges of election, who with the registrar shall constitute the

Certificates of result of election.

election board, and shall under their hands and seals certify the result of said election in duplicate copies, one of which shall be delivered to the mayor and the other to the Register of Deeds

Registration of returns.

of Union County, which said returns of election shall be registered in the office of the register of deeds and the other in the office of

Election officers to be sworn.

the clerk of the town. The registrar and judges of election shall be sworn to the faithful discharge of their duties before holding

Challenge day.

any election or registering any voters. On the Saturday preceding the election the books of registration shall be opened for the inspection of the citizens of said town, who may challenge the right of any person to vote whose name appears on the said registration book, and if the registrar and judges of election or a majority of them decide that he is not a qualified voter, his name shall be erased from said book, and he shall not be allowed to vote in said election.

Revision of registration books.

Sec. 4. That the registration book provided for in the preceding section at any subsequent election shall be revised by striking therefrom all names of persons who have ceased to be qualified voters of said town, and by registering the names of all persons who are qualified voters and make application for registration:

Proviso: new registration.

Provided, that the board of aldermen shall order a new registration of voters when in their discretion they may deem it necessary to secure a correct registration of voters in any election to be held for said town.

Officers-elect to be sworn.

Sec. 5. That before any of the officers elected shall enter upon the discharge of his duties he shall take an oath faithfully and

impartially to discharge the duties of his office to the best of his judgment and ability, and the mayor shall further take and subscribe the oath provided for justices of the peace. Oath of mayor.

Election and term of mayor.

Sec. 6. The mayor shall be elected by the qualified voters of the town, and shall hold his office for two years and until his successor is elected and qualified. The board of aldermen shall fix the salary of the mayor, to be paid out of the town treasury, (and) all fees which shall be due to the mayor for service rendered by him in trying offenders in his capacity as mayor shall be paid into the town treasury. In case a vacancy shall occur in the office of mayor, the board of aldermen shall elect a qualified person to fill such vacancy during the unexpired term.

Salary of mayor.

Fees paid into treasury.

Vacancy.

Mayor special court; jurisdiction.

Sec. 7. The mayor of said town shall be a special court with all the jurisdiction conferred on justices of the peace in criminal cases, and he shall have jurisdiction of all violations of the town ordinances.

Street or road work in payment of fines and costs.

Sec. 8. That in all cases when a defendant shall be convicted before the mayor of said town of any misdemeanor, and shall be sentenced to pay a fine and costs, and such defendant shall refuse to pay the fine or costs, or be unable to do so, it shall be lawful for the mayor to order and require such defendant to work on the streets of said town or the public roads of Union County until at a fair rate of wages such person shall have worked out the full amount of the fine and costs of the prosecution, and any person so required by the mayor to work on the streets or public roads of Union County who shall willfully refuse so to do, or shall attempt to escape while engaged in said work, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Refusal to work or attempt to escape misdemeanor.

Punishment.

Direction of mayor's precepts.

Sec. 9. That the mayor shall direct his precepts or warrants to the chief of police or to any other officer to whom a justice of the peace may issue his precepts.

Mayor to preside at meetings.

To vote in settlement of ties.

Sec. 10. The mayor shall preside at all meetings of the board of aldermen, and, in case of an equal division of votes of the aldermen on any subject to be decided by them, shall cast the deciding vote, but otherwise shall have no vote in passing on any matter before them. In the absence of the mayor, it shall be the duty of the board of aldermen to select one of their number to preside over their meetings.

Regular meetings.

Special meetings.

Sec. 11. At their first meeting after their election the board of aldermen shall fix regular times for their meetings, which must be at least once in every month. Special meetings of the board of aldermen may be called by the mayor or by a majority of the aldermen, of which every person not joining in the call shall receive notice, which shall be served by the chief of police or a policeman.

Legislative powers.

Sec. 12. The board of aldermen shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the good government of the town, the health and security of its citizens, the protection of their property and lives as they may deem proper and necessary for such purposes, consistent with the laws of the land.

General enumeration of powers.

Sec. 13. That the board of aldermen shall have power to macadamize, repair, and cleanse the streets, regulate the markets, take all proper measures to prevent and extinguish fires, establish and regulate a system of waterworks for the town, make reasonable charges for the use thereof by the citizens of the town or other consumers thereof, make and enforce all such rules and regulations for the government of the police force as shall be necessary to preserve the peace and order of the town by proper ordinances; prevent, suppress, and remove nuisances; preserve the health of the people from contagious or infectious diseases, and when necessary establish a quarantine against such diseases; establish a fire limit in said town, within which it shall be unlawful to build, erect, repair, or move any building built of wood or other dangerous material; to appoint and provide for the pay and prescribe the duties of any and all officers necessary to execute their ordinances and perform the duties herein required.

Officers elected at first meeting.

Term of office.

Proviso: removal for cause.

Oath and bond of officers.

Sec. 14. That at their first meeting, or as soon thereafter as practicable, they shall elect a chief of police and tax collector, a town clerk and treasurer and town attorney, who shall respectively hold their offices during the term of the board electing them, and until their successors are elected and qualified: *Provided*, that any or all of such officers may be removed for misbehavior or neglect in office, and others selected in their stead. Said officers shall take an oath of office for the faithful performance of their duties, which shall be administered by the mayor, and they shall also execute a bond for the faithful performance of duty and accounting for such moneys as shall come into their hands, except that no bond or oath shall be required of the town attorney.

Town attorney excepted.

Salary and duties of clerk and treasurer.

Accounts.

Orders produced as vouchers.

Sec. 15. The clerk and treasurer shall be paid a reasonable salary, to be fixed by the board of aldermen; he shall keep correctly the regular minutes of the proceedings of the board, preserve all books, papers, and other things placed in his charge during his continuance in office, and deliver them to his successor. He shall also keep all moneys received by him belonging to the town of Marshville and disburse the same on orders made by the board and signed by the mayor, of which he shall keep a correct and accurate account in a book provided for that purpose by the town, which account shall show the source from which the moneys are derived, to whom paid, and for what purposes; the orders for moneys shall be produced at any settlement made with the board of aldermen as vouchers for such payment, and he shall at all times submit his accounts for inspection, when required by the

board of aldermen. He shall make quarterly settlements of his accounts and file them with the board of aldermen at their next regular meeting after the end of the quarter. He shall pay all moneys in his hands at the end of his term of office and deliver all books, papers, and other things received by him as clerk and treasurer to his successor, and shall in all respects faithfully discharge the duties imposed on him by this act or the ordinances of the town. Quarterly settlements. Settlement with successor.

Sec. 16. The tax collector shall have the same power and authority to collect the taxes due the town as is conferred upon sheriffs for the collection of the State and county taxes, and he shall be liable to the same penalties for nonperformance of his duties. The amount of the tax lists shall be charged against him, and he shall be credited with all sums paid to the treasurer of the town and with such insolvents as shall be allowed him by the finance committee of the town; and shall audit the books of the treasurer and tax collector quarterly, and make report of their finding of the financial condition of each officer to the board of aldermen, who shall cause the same to be recorded in the minutes of the board, if approved by them. The tax collector shall pay over to the treasurer weekly all moneys collected by him, taking the treasurer's receipt for the same; and in the event of his failure to pay over said moneys as herein provided and required, he shall pay ten per centum monthly on such sums as he shall fail to deliver to the treasurer, and it shall be the duty of the board of aldermen to remove him from office and appoint another in his stead and institute legal proceedings on the bond of such tax collector for the recovery of such sums as may be due the town. If any person owing a poll tax shall willfully fail to pay same for three months after it shall become due, it shall be the duty of the tax collector to report such delinquent to the mayor, who shall cite said delinquent to appear and show cause why said tax is not paid; and if the delinquent has not paid the said tax and willfully refuses to pay the same, he shall be guilty of a misdemeanor, and on conviction he shall pay a fine not exceeding fifty dollars or be imprisoned not exceeding thirty days: *Provided*, the fine shall be at least double the poll tax assessed against such delinquent, not exceeding fifty dollars. The tax collector shall not report the nonpayment of any poll tax to the mayor until he has made diligent efforts to find personal or real estate sufficient to pay said tax and exhausted his legal remedies to enforce the payment of the same by levy and sale of such property if found. Power and liability of tax collector. Charges and credits on tax lists. Audit of books. Record of audits. Weekly settlements. Penalty for failure to pay over. Duties of aldermen. Failure to pay poll tax misdemeanor. Punishment. Proviso: minimum of fine. Duty of tax collector.

Sec. 17. That the board of aldermen shall elect a chief of police and such other policemen as shall be necessary for the preservation of the peace, the enforcement of the ordinances of the town, and the safety of the persons and property of the residents of said town, who shall hold their offices during the term of the board Election of chief of police and policemen.

Bond of chief of police.

electing them and until their successors are qualified. The chief of police shall give a bond in such sum as the board of aldermen shall require for the faithful performance of the duties required of him by law and the town ordinances, faithfully to account for all moneys collected by him which may come into his hands from fines, penalties, special taxes, or in any way received by him in his official capacity. The chief of police shall have oversight and supervision of the police force, and shall see that all failures on their part to discharge their duties shall be reported to the mayor. The chief of police shall attend the courts of the mayor and report any and all violations of law or ordinances of the town which have come to his knowledge; he shall collect all fines, penalties, and costs imposed by the mayor and pay the same to the treasurer, taking his receipt therefor, after reporting the collections of such sums to the mayor, who shall cause an entry thereof to be made on a town criminal docket to be kept for the town by the mayor: *Provided*, that any money due to any person in said bill of costs other than an officer of the town shall be paid to the mayor, to be paid to the parties entitled to the same. He shall also see that the laws and ordinances of the town are enforced, and shall do such other things as shall be required of him by law and the ordinances of said town. The chief of police and policemen shall have all the power and authority vested in sheriffs and constables for the preservation of the peace by preventing or suppressing disturbances and arresting offenders, and shall have power to serve any precept in any criminal case anywhere in the county of Union as sheriff now has. The chief of police and every policeman shall take an oath before the mayor for the faithful performance of his duties as required by law. The said chief of police and each policeman shall be paid a salary, to be fixed by the board of aldermen, and all fees to which they may be or become entitled under the laws of the land shall be collected as a part of the cost and paid into the town treasury. It shall be the duty of the mayor to tax as costs against offenders the same fees for services rendered by the chief of police or a policeman as the sheriff would be entitled to receive for similar services. When the necessities of the town require it, the mayor shall appoint extra policemen to serve for such time as he shall direct, not exceeding one week, and such extra policemen shall take the oath of a regular policeman, as hereinbefore required. The chief of police and any policeman shall be subject to removal from office by the board of aldermen for neglect of duty, improper conduct, or intoxication. The mayor, upon charges being preferred or upon finding the chief or any policeman guilty of misconduct, shall have power to suspend such member of the force from service until the board of aldermen shall investigate and take official action in the matter, and upon hearing the proofs, the board may discharge or restore such member; and his pay shall cease during the time of suspension.

Supervision of police force.

Reports of neglect of duty.

Enumeration of duties.

Proviso: mayor to distribute costs.

Other duties.

Powers as of constables.

Policemen to be sworn.

Salaries.

Fees to town treasury.

Fees taxed by mayor.

Extra policemen.

Extra policemen to be sworn.

Removal for cause.

Power of mayor to suspend policemen.

Powers of aldermen.

Sec. 18. That the board of aldermen shall have power to lay out, open, and name any street or streets within the corporate limits of said town whenever by them deemed necessary, and shall have power to widen, enlarge, change, extend, or discontinue any street or streets or any part thereof within the corporate limits, and shall have full power and authority for the purposes herein expressed to condemn, appropriate, or use any land or lands within said town, upon making reasonable compensation to the owner or owners thereof; and in case the owner or owners of any land which shall be condemned, appropriated, or used under the provisions of this act and the board of aldermen shall fail to agree upon the compensation for such land, the matter shall be settled by arbitrators, who shall be freeholders and residents of said town, and shall be chosen by the parties, one by the aldermen and the other by the owner of said land; and in case the owner of such land shall fail or refuse, upon notice given, to choose such arbitrator, then the mayor of the said town shall select one in his stead; and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefit accruing to the owner in consequence of the change, and the award of the arbitrators and umpire, or any two of them, shall be conclusive of the rights of the parties, and shall vest in the town of Marshville the right to use the land for the purpose herein specified; and all damages agreed upon by the parties or awarded by the arbitrators in case of disagreement shall be paid by taxation or as other liabilities of the corporation: *Provided*, that either party may appeal to the Superior Court as now provided by law.

Powers as to streets.

Power to condemn land.

Arbitration for assessment of damages.

Rights vested in town.

Payment of damages.

Proviso: right of appeal.

Sec. 19. The board of aldermen are hereby authorized and fully empowered to levy annually on all real and personal property in said town which is subject to taxation therein by the laws of the land, and on every poll, a tax not to exceed seventy-five cents on the one hundred dollars worth of property and two dollars and twenty-five cents on each poll, which said taxes shall be used by the board of aldermen for the general purposes of the said town in its government, and the payment of such expenses as are necessary or incident to the purposes of its creation. The limit of taxation herein imposed shall not in any way interfere with or repeal the right to levy special taxes necessary to pay any bonds issued by the said town under any special act of the General Assembly heretofore enacted or which shall be hereafter enacted for its benefit.

Tax on property and polls.

Limit of rate.

Special taxes.

Sec. 20. The town tax collector shall have all the power and authority for the collection of taxes levied on property and polls as is or may be conferred on the Sheriff of Union County, and all sales of property made by such tax collector shall be made under the same rules, regulations, and provisions of law as govern the Sheriff of Union County in sales for taxes, and the right to redeem any property after a sale for town taxes shall be allowed for the redemption of property sold for county and State taxes.

Power and authority of tax collector.

Sales of property for taxes.

Right of redemption.

License taxes.
Peddlers.

Sec. 21. The board of aldermen shall have the right to levy and cause to be collected the following additional taxes, viz.: On all itinerant merchants, peddlers, or persons vending from any stand on the streets, offering to vend in said town, a privilege tax not exceeding twenty-five dollars a year, in addition to a tax not exceeding one per centum on the amount of their purchases respectively; and among such itinerant merchants or peddlers shall be included all itinerant venders of medicines or other articles.

Tables for games.

(2) On every shooting gallery, billiard table, bagatelle table, pool table or place of any other game or play, bowling alley, or alley of like kind, with or without a name, kept for profit or kept in a house where spirituous, vinous, or malt liquor is sold, or in a house used or connected with such a house, or used or connected with a hotel or restaurant, a privilege tax not exceeding one hundred dollars.

Hotels, restaurants, and eating-houses.

(3) On every hotel, restaurant, or eating-house, a privilege tax not exceeding fifty dollars. The board of aldermen shall have the power to classify into as many classes as to them from time to time shall seem just, such hotels, restaurants, and eating-houses according to the character and amount of business done by them and the class in which each may belong, and prescribe a different tax for every class, not to exceed in any case the sum of fifty dollars.

Circus tax.

(4) On every circus, company of circus riders, performers, exhibitors or showmen, by whatever name called, who shall exhibit within said town or within one-half mile thereof, a license tax not exceeding one hundred dollars for every performance or separate exhibition, and on every side-show connected therewith, a license tax not exceeding twenty-five dollars for each performance or exhibition. If the tax herein levied is not paid before performance, it shall be double the amount levied for such license.

Side-shows.

Contrivances for amusement.

(5) On every flying-jenny, merry-go-round, or mechanical contrivance for amusement within said town or one-half mile thereof, run for profit, a tax of five dollars for each and every day it is run. If the tax is not paid in advance, it shall be double.

Curiosities.

(6) On every exhibition of artificial or natural curiosities for reward, a tax not exceeding twenty-five dollars.

Other shows.

(7) On every show, exhibition, or performance of any kind, not otherwise enumerated herein, and on every concert for reward, unless given by a religious, charitable, or educational company, and on every strolling musician within said town, a license tax not exceeding ten dollars.

Other subjects of license tax enumerated.

(8) The board of aldermen may also levy, at their discretion, an annual privilege tax as follows: On dentists, local or itinerant, not exceeding ten dollars; on photographers not exceeding twenty-five dollars; on hucksters' stands, not exceeding twenty-five dollars; on itinerant dealers in lightning rods, not exceeding twenty-

five dollars; on venders or agents of patent articles, not exceeding twenty-five dollars; on banks, banking business, or bank agents, not exceeding one hundred dollars; on note shavers, money lenders, brokers, and real estate agents, not exceeding twenty-five dollars; on retail dealers in fresh meats, not exceeding twenty-five dollars; on dealers in fish and oysters, not exceeding ten dollars; on boarding-houses, not exceeding ten dollars; on ice-cream saloons, a tax not exceeding ten dollars; on dealers in fertilizers, not exceeding twenty-five dollars; on skating rinks, not exceeding ten dollars; on dogs, not exceeding five dollars; on dealers in carriages, buggies, wagons, sewing machines, tobacco, cigars, cigarettes, bicycles, cotton yarns not manufactured in Union County, not exceeding one hundred dollars; on jewelers, watchmakers, sale, feed and livery stables, insurance agents, both fire and life, twenty-five dollars; on slot machines, punch boards, or other games of chance, not exceeding five hundred dollars; on every person, company, firm or corporation selling pistols, bowie knives, dirks, sling-shots, brass or metallic knuckles or other deadly weapons of like character, in addition to all other taxes, a license tax not exceeding one hundred dollars.

Fire companies.

Sec. 22. The board of aldermen shall provide for the establishment, organization, equipment, government, and pay of such fire companies as they shall deem necessary and proper for the protection of the property of said town and of its citizens. They shall also establish fire limits within said town, within which it shall be unlawful for any person, company, firm or corporation to erect, build, or repair any wooden house, make any wooden additions to any building, or cover any building with any material other than slate or metal. They may prohibit wooden buildings from being removed into the said fire limits under such penalties as the board of aldermen shall establish, which penalties may be sued for and recovered from the owner in any action in any court having jurisdiction.

Fire limits.

Further enumeration of powers of aldermen.

Sec. 23. That the board of aldermen shall have the right and power to make ordinances to prohibit or control the firing of firearms, firecrackers, torpedoes, roman candles, skyrockets, and other explosive materials, and to govern the sale thereof in the town; to limit the speed at which horses may be ridden or driven through the streets or bicycles ridden, or automobiles, and the speed at which engines and trains of railroads shall run within the town limits; prohibit said railroads from stopping their engines or cars on said streets and to require the railroad companies to keep the crossings of the streets over their railroads in good repair; to control the arrangement of stovepipes and flues in buildings and the manner in which powder, dynamite, and other explosives and inflammable substances may be kept, stored, and sold; the manner and place of storing commercial fertilizers in said town; the manner in which dogs and hogs may be kept; to

cause all alleys, streets, lots, cellars, privies, stables, and other places of like character to be examined by a sanitary policeman, to be appointed for that purpose, and to cause by their order the sanitary policeman to have said places cleansed and the nuisance abated; and any sanitary policeman or any other person appointed by said board and charged with that duty shall have authority to enter upon the premises found to be in bad order and inspect and have the same cleansed, and the expense of cleansing said places and removing said nuisances shall be recovered from the occupant or owner of said premises by action in any court having jurisdiction.

Prevention and abatement of nuisances.

Sec. 24. The board of aldermen shall have power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in said town or within one mile thereof, and to abate any such nuisances and cause their removal.

Drainage.

They shall have power and it shall be their duty to cause all ponds, sunken lots, and other places in which water stands and stagnates to be drained and filled up and to recover from the owner or occupant of such lot the expenses for such removal, draining, or filling up, which expenses shall be a lien on the lot: *Provided*, the owner or occupant of said lot, after ten days notice, shall neglect or refuse to remove or abate such nuisance.

Proviso: neglect of owner.

Parks and pleasure grounds.

Sec. 25. That the board of aldermen may establish, acquire, improve, and control parks or other pleasure grounds for the use of inhabitants of said town, and may pass ordinances and regulations for the proper protection, maintenance, management, government and control of the same. It may also protect and control the shade trees already growing or hereafter planted on the streets, public squares, public grounds, alleys, sidewalks of or within the town, and may remove such trees from time to time or plant others on such alleys, grounds, streets, sidewalks, and other places as may seem to them meet. Said board may also grant permission to erect telegraph poles, telephone poles, electric light poles, street car poles or other poles upon the streets, sidewalks, alleys, public grounds or squares, or prohibit or prevent such erection of the same, and may control and regulate all such poles as have been or may be erected, and the use of the same and the manner of their use, and may remove or cause to be removed the same or any of them at any time or times, and in such manner and upon such notice as may seem just and proper. It shall also have the right to control, regulate, license, prohibit, or remove all structures or things erected, constructed, put or placed on, above, or under the streets, public squares, public grounds, alleys, or sidewalks of the town.

Shade trees.

Poles on streets.

Structures on streets or public grounds.

Cemeteries.

Sec. 26. That the board of aldermen may establish, acquire, and maintain one (or) more public cemeteries of such size as they may deem necessary, within or without the corporate limits of said town, and provide for the care and maintenance of the same

and the proper regulation, control, and protection thereof. They may also divide such cemeteries into lots of proper and convenient sizes, and may fix the prices of such lots at a reasonable sum, and may sell the same and make title to the purchaser. They may also annually appoint some suitable person as sexton of the cemetery, whose duty it shall be to have charge over the cemetery, and to see that all entrances thereto, the walls and fences around it and the walks and avenues therein, are kept in proper condition and repair. If the person appointed sexton shall be found to be negligent or in any way unsuitable for his position, the aldermen may remove him and appoint another in his stead. Cemetery lots. Sexton. Removal for cause.

Sec. 27. It shall be unlawful for any person to behave in a rude or boisterous manner or be guilty of any indecent conduct of any kind in any cemetery in the said town of Marshville, or to injure, deface, or disturb in any manner any wall, fence, grave, gravestone, monument, tomb, or vault, or trees or shrubbery, and the sexton shall promptly report any violation of this act to the chief of police. Misbehavior in or injury to cemeteries unlawful. Sexton to report offenders.

Sec. 28. That the board of aldermen shall have the right to grant, control, rescind any franchises, privileges, or permits to any company, firm, or corporation to erect on, over, along, or under the streets and alleys of said town any work, piping, electric wires, telephone wires, street car lines, or other structure in which the public have an interest as a matter of convenience or otherwise. Powers as to franchises.

Sec. 29. That all privileges, powers, and benefits conferred upon the aldermen of other cities in the State under the general laws for the government of cities and towns are hereby conferred upon the aldermen of the town of Marshville. Privileges, powers, and benefits under general laws.

Sec. 30. That in addition to the other powers of the board of aldermen, they shall have power and authority to borrow money with the consent of a majority of the qualified voters of said town, which consent shall be obtained at an election held after thirty days public notice published in a newspaper in the town of Marshville, at which those who consent to the proposition submitted to them shall vote "Approved," and those who do not consent shall vote "Disapproved," which said indebtedness when approved by a majority of the qualified voters shall be evidenced by the bonds of the town, signed by its mayor and attested by the seal of the town and the signature of its secretary or clerk. Power to borrow money with consent of voters. Notice of election. Votes. Bonds issued. Authentication.

Sec. 31. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 314.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON, NORTH CAROLINA, BEING CHAPTER 72 OF THE PRIVATE ACTS OF 1909.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-two of the Private Laws of one thousand nine hundred and nine be amended as follows:

Extension of limits.

(*a*) After section two thereof, insert the following: "The following property is to be included within the boundaries of the city of Winston, to wit: Beginning in the eastern boundary line of the city of Winston, at a point six hundred and eighty feet north of the southeastern corner of said city boundary, at which point is found an iron pipe; thence south 87° 07′ east 823.2′ to an iron pipe, the southeast corner of the hospital tract; thence north 3° 08′ east 617.95′ to an iron pipe, the northeast corner of the hospital tract; thence 86° 45′ west 854.4′, through the northwest corner of the hospital tract, to an iron pipe in the old corporation line.

Election of registrar.

(*b*) In section eight, after the word "select," at the end of line one hereof, strike out the words, "at their regular meeting in March, one thousand nine hundred and nine," and insert in lieu thereof the words, "at a regular or special meeting of said board, held at least ten days before the first Tuesday in April, one thousand nine hundred and nine." In section nine, after the word "aldermen," in line four, strike out the words "on the second Tuesday in April next preceding the election." In section ten, after the word "Sunday," in line two, insert "and close the Saturday preceding the election."

Time for registration.

Salary of clerk.

(*c*) Amend section eighty-one thereof by striking out all of said section after the word "Winston" in line nine, and inserting in lieu thereof, "such salary as shall be fixed by the board of aldermen."

Revision of tax lists.

(*d*) At the end of section thirty-five thereof insert the following: "*Provided*, that the board of aldermen shall have the power to increase, decrease, alter, and revise the value of all real and personal property so listed, giving to the same such value as may, in their judgment, be fair and equitable; and place on the tax lists all property within the city which may not be listed and fix the value thereof for assessment."

(*e*) Amend chapter eighty-two, Private Laws of one thousand nine hundred and five, section six, by striking out in the last line of said section, after the word "of," the words "twelve hundred," and insert in lieu thereof the words "two thousand."

Building regulations.

(*f*) In section forty-four thereof, in line eighteen, after the word "same" and before the word "to," insert the following: "To grant

permits for the construction of buildings and other structures, and to prohibit the construction of any building or structure which, in the judgment of the board of aldermen, may be a nuisance, or of injury to adjacent property or to the general public."

(*g*) In section fifty thereof, by striking out in line fourteen thereof the word "five" and inserting in lieu thereof the word "seven"; by striking out, in line fifteen thereof, the word "annually" and inserting in lieu thereof the word "biennially." That all of said section after and including the word "those," in line six from the bottom of said section, be stricken out, and the following inserted in lieu thereof: "That the beginning of the term of all school commissioners shall be on their election at the first meeting of the board of aldermen in May, and all commissioners now in office shall continue until the first meeting in May, one thousand nine hundred and thirteen, and their successors are elected and qualified; that on the first meeting of the board of aldermen in May, one thousand nine hundred and thirteen, there shall be elected seven commissioners, two of whom shall be members of the board of aldermen who shall have been just elected, and who shall serve during the term for which they have been elected aldermen, and five from the citizens of Winston who are not members of the board of aldermen, to wit: J. C. Buxton, W. A. Wilkinson, W. E. Franklin, G. E. Webb, and Thomas Maslin; that J. C. Buxton and W. A. Wilkinson shall be elected for a term of three years; that W. E. Franklin and G. E. Webb shall be elected for a term of two years; that Thomas Maslin shall be elected for a term of one year; who shall hold office until their successors are elected and qualified; that in May, one thousand nine hundred and fourteen, one member shall be elected for three years; that in May, one thousand nine hundred and fifteen, two members shall be elected for a term of three years; that in May, one thousand nine hundred and sixteen, two members shall be elected for a term of three years; and so on, by annual election, to fill expired terms.

Number of school commissioners.

Election.

Beginning of term.

Term of present commissioners.

Election of successors.

(*h*) By inserting, at the end of section fifty-five thereof, the following: "That the city of Winston, whenever it shall require lands or right of way under or over lands lying outside the corporate limits of said city, for the establishment, repair, and maintenance of its sewer lines, water mains, stations, or purification plant, and said land or right of way cannot be obtained by agreement or contract with the owner thereof, that it may enter upon and condemn private property for right of way, station, or purification plant, which said city requires for its sewer lines or water mains, and for the establishment, maintenance, repair, or operation thereof. That the said condemnation shall be by special proceeding instituted in the Superior Court of the county wherein the land is situate. That the city of Winston shall file a petition, before the clerk of the Superior Court of the county

Power to condemn land outside city.

Proceedings for condemnation.

in which the land is situate, to which the owner or owners of the land shall be made parties defendant, setting forth the purpose for which the land is required, and sufficiently describing same, with such other facts as may be pertinent, and praying for the appointment of a jury of three citizens of the county to assess the damages to the owner for the right of way required and taken, and summons issued against the defendants named in the petition, returnable as in special proceedings, the rules governing which shall be applicable to the proceedings herein authorized. If the clerk shall find that such land is required for the purpose set forth in the petition, he shall appoint a jury of three discreet persons to assess said damages to the owner. The jury so appointed shall, within twenty days, make assessment and report the same to the clerk. Said report shall remain open to inspection for ten days after the filing thereof, and if no exception thereto be filed within the time aforesaid, said report shall be confirmed, and judgment rendered in accordance therewith, and in all cases such judgment or confirmation shall vest in the city of Winston an easement in the lands for the purpose for which it was condemned. In case exceptions are filed to any report, the clerk shall pass upon same, with the right of appeal by either party to the Superior Court at term: *Provided*, that all actions or proceedings for damages by the owner of the land shall be commenced within two years after occupancy by the city, and not afterwards."

Issue of summons.

Clerk to pass upon necessity and appoint jury.

Jury to report.

Report filed for exceptions.

Confirmation.

Hearing on exceptions.

Right of appeal.

Proviso: limitation of time.

(*i*) In section fifty-six thereof, after the word "discretion" in line seven thereof, insert the following: "and whenever any graveyard which has been abandoned, or which has not been used for more than ten years, any part of such graveyard is required in the extension or widening of any of said streets of the city, or whenever said abandoned graveyard as above described may be needed for building purposes, such abandoned graveyard or such necessary part thereof may be condemned by the city as other lands are condemned for street purposes; and should there be any graves in any piece or parcel of land so required, the city shall have power at its own expense to remove the bodies and contents of said graves and bury the same in a suitable graveyard. And whenever any person shall become the owner of any lot or land in which there is now situated an old and abandoned graveyard or graves, and said grounds, lot, or lands have not been used for burial purposes for more than twenty years, and said lands shall be needed for buildings in the extension of the city limits, then the person owning such lot or lands may apply to the mayor of the city, who shall upon investigation, if he deem proper, issue a permit to the person owning said lot or lands, authorizing said person to remove said graves and contents and rebury the same in a suitable graveyard, the cost of such removal to be borne by the person owning the lot or lands.

Abandoned or unused graveyards.

Removal of bodies.

Permits for removal.

(*j*) In section eighty-three thereof, by striking out in line twelve thereof the words "two dollars" and inserting in lieu thereof the words "five dollars." Solicitor's fee.

(*k*) After section eighty-five thereof, and as section eighty-five and one-half, insert the following: The municipal court may appoint a probation or truant officer, subject to the approval of the board of aldermen of Winston, and said probation officer shall hold office at the pleasure of the court. Said court may also appoint assistant probation and truant officers, and the superintendent of the public schools of the city of Winston shall *ex officio* be an assistant probation or truant officer. Each probation officer may inquire into every criminal action brought before the court under the appointment of which he acts, and shall keep a full record of all cases investigated by him, and all cases placed under the care of said probation officer by the court, and shall keep a record of all duties performed by him. Said municipal court may place the person so convicted under the care of the probation officer for such time and under such conditions as may seem proper. Appointment of probation or truant officer. Assistants. Duties of probation officers. Care of persons convicted.

The term "delinquent child" shall be construed to mean any boy or girl between the ages of six and eighteen years, who violates any ordinance or commits any offense of which this court has jurisdiction. Delinquent child defined.

The words "wayward child" shall be construed to mean any boy or girl, between the ages of six and eighteen years, who habitually associates with vicious or immoral persons or who is growing up under circumstances which expose him or her to lead an immoral life. "Wayward child" defined.

If any child, upon trial of any cause, is adjudged to be a wayward or delinquent child, the municipal court may place said child under the care of the probation officer for such time and under such conditions as may seem proper, or may deal with said child in any manner provided by law. The probation officer shall make an investigation of every delinquent child convicted, if directed by the court, and shall report regarding the character of such child, his school record, his home, his surroundings, and the previous complaints against said child, if any. The said court shall also have the power to commit such delinquent child to any institution to which it might be committed upon a conviction for such violation of law. Children in charge of probation officer. Investigation and report. Committal to institution.

If a boy or girl is adjudged to be a wayward child or a delinquent, as defined by this act, a parent of such child who is found to have been responsible for such waywardness or delinquency shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the said court. Parent of delinquent or wayward child guilty of misdemeanor. Punishment.

(*l*) After section ninety-two thereof, and as section ninety-two and one-half, insert the following:

Claims founded on torts.

"All claims or demands against the city of Winston arising in tort shall be presented to the board of aldermen of said city or mayor in writing, signed by the claimant, his attorney or agent, within ninety days after said claim or demand is due or cause of action accrued; that no suit or action shall be brought thereon within ten days or after the expiration of twelve months from the time said claim is so presented, and every such action may be dismissed unless the complaint shall be verified and contain the following allegation, to wit: 'That the claimant presented his claim to said board of aldermen or mayor to audit and allow, and that it or he had refused to allow the same, or had neglected to act on it within the ten days herein prescribed.'"

Time for bringing action.

Complaint to be verified.

Averment of presentation.

(*m*) Amend section fifty-two by inserting after the word "owner" and before the word "the," in line nine, the following:

Railroad and street railway crossings.

"The city of Winston shall have the control and supervision of all street crossings where railroads and street cars intersect or cross its streets, whether such crossings be at grade over or under its streets, and whether such said crossings now exist or may hereafter exist by reason of the extension and construction of new streets in the city, or by reason of the extension or construction of new railroads or street railways; further, the said city of Winston shall have the power to require said railroad company or street railway company at its own expense to construct, maintain, and repair all such crossings at grade, over or under its streets as aforesaid: *Provided*, that when streets are opened or extended for the development of new property, or suburbs owned by a land company or an individual, and such streets are over, under, or across any railroad, street railway, or other public-service company's tracks, the cost of such crossings shall be apportioned by the board of aldermen between the parties at interest: *Provided*, that in no instance shall the city pay any part of the cost of the erection and maintenance of any bridge; and the city may on its own motion, or upon complaint filed with the board of aldermen, cause all obstructions above, across, or in its streets, which upon investigation by the aldermen may be found dangerous or unsafe to the public using said streets, to be removed. If upon investigation by the board of aldermen the obstruction complained of above the street, across or in the street, shall be found dangerous or unsafe for the public using the street, then the board of aldermen shall make and enter an order upon its minutes directing the railroad company, street car company, or other corporation or person maintaining such obstruction to remove the same within a reasonable time, not exceeding sixty days. Any railroad company, street car company, corporation or person failing or refusing to obey the order directing the removal of such obstruction shall forfeit and pay a penalty of fifty dollars for each day said obstruction shall be allowed to remain after the notice for removal shall have expired, which penalty shall be recovered by suit on the part of the city in the proper court."

Construction, maintenance, and repair of crossing.

Proviso: streets opened for development of property.

Proviso: no cost to be incurred by city.

Removal of obstructions.

Order for removal.

Penalty for failure.

In the event the consolidation of the city of Winston and the town of Salem, provided for in the act of the General Assembly of North Carolina, entitled "An act to consolidate the city of Winston and the town of Salem," ratified the twenty-seventh day of January, one thousand nine hundred and thirteen, be ratified by a vote of the people of the two several municipalities, at an election which has been duly called to be held on the eighteenth day of March, one thousand nine hundred and thirteen, then all the provisions of this act hereinbefore set forth shall prevail as part of the charter of the city of Winston-Salem, and nothing in the charter of either of said municipalities shall in any way interfere with the validity of said election, should a majority of the votes cast thereat, in each of the two several towns, be for consolidation. Charter of Winston-Salem on consolidation.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 315.

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF RALEIGH TO SELL ITS PRESENT MARKET HOUSE BUILDING, AND THE LOT UPON WHICH IT IS SITUATE.

The General Assembly of North Carolina do enact:

Section 1. That the city of Raleigh be and it is hereby authorized and empowered to sell and convey to the purchaser or purchasers, in fee simple, that building in the city of Raleigh fronting on Fayetteville Street, running back to Wilmington Street, and lying between Exchange Place north and Exchange Place south, and known as the "Market House," together with the lot upon which the said building is situate, including the sidewalks respectively on the north and south sides of said building (but not the sidewalks on the east and west sides of the same): *Provided*, a price of not less than eighty thousand dollars shall be obtained therefor. Sale and conveyance authorized. Sidewalks. Proviso: minimum price.

Sec. 2. That the board of aldermen or other governing body of the city of Raleigh is authorized, empowered, and directed forthwith to offer the said market house and said lot for sale upon such terms of payment and time for delivery of possession of the same as it shall deem proper, and when a satisfactory price shall have been offered, the said board of aldermen or other governing body of said city, by resolution, approve the said sale and authorize the proper execution and delivery by the mayor and city clerk, in the name of the city of Raleigh, a deed in the usual form and with the usual warranty or warranties conveying the said building and said lot to the purchaser or purchasers in fee simple: *Pro-* Offer for sale authorized. Terms of payment and time of delivery. Resolution for sale and conveyance. Proviso: removal and reconstruction of building.

vided, that said purchaser or purchasers shall tear down and remove the present building used on said lot for a market house, and shall construct a building on said lot to cost not less than one hundred thousand dollars: *Provided further*, that possession shall not be given to the purchaser or purchasers of said property until the market house hereinafter provided to be built shall have been completed and accepted by the city of Raleigh for occupancy: *Provided further*, that said board of aldermen or other governing body shall not ask for more time than May first, one thousand nine hundred and fourteen, for the delivery of said old market house, and for the construction and equipment of the new market house.

Proviso: new market house.

Proviso: limit of time.

Payment and deposit of money.

Specific appropriation.

Sec. 3. That the moneys arising from the sale of said building and lot shall be paid into the treasury of the city of Raleigh and shall be kept by it on deposit in some bank or banks as a trust fund, and shall not be liable for the debts or other obligations of the city, and shall be disbursed by it only as herein directed.

Location and construction of new market house.

Sec. 4. That upon the sale of said market house and lot, the board of aldermen or other governing body of the city of Raleigh shall purchase a suitable location in said city for the building of a city market and shall build thereon a convenient, modern market, with modern improvements, and properly equip the same; and for the purpose of carrying into effect the provisions of this act, the said board of aldermen or other governing body of said city are hereby authorized and directed to expend not to exceed the sum of fifty thousand dollars of the proceeds from the sale of the present market house and lot, and said city treasurer is hereby authorized and directed to issue warrant or warrants upon the special trust fund herein provided for in such amounts as called for by said board of aldermen or other governing body of said city in payment for the purchase of a suitable lot, and for the building and completion of said market house, the total of which shall not exceed the cost of fifty thousand dollars as above stated.

Limit of cost.

Payments by city treasurer.

Limit of cost.

Power to condemn land for site.

Sec. 5. That the city of Raleigh is hereby given the same power and authority as is now vested in railroad corporations under the general law of this State for the purpose of condemning a site for the said market house within the city of Raleigh.

Surplus to street fund.

Sec. 6. That the board of aldermen or other governing body of said city are hereby directed to expend the remainder of money derived from the sale of the present market house in laying permanent streets in the city of Raleigh.

Repealing clause.

Sec. 7. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

When act effective.

Sec. 8. That this act shall be in force from and after June first, one thousand nine hundred and thirteen.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 316.

AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO EXTEND ITS STREET PAVING, IMPROVE ITS ELECTRIC LIGHT PLANT, BUILD AN ABATTOIR, AND FUND A $3,000 FLOATING DEBT, AND TO ISSUE BONDS FOR EACH OF SAID PURPOSES.

Whereas the qualified voters of the city of Fayetteville have heretofore approved the several bond issues for street paving, electric lights, and for sewerage; and whereas it is now necessary for said city to extend the paving, enlarge its light plant, and build and operate an abattoir; and whereas there is an outstanding floating debt of three thousand dollars necessarily incurred in the construction of sanitary sewers, which the city desires to fund; and whereas about one-half of the outstanding bonded indebtedness of said city is represented by the waterworks, electric light and sewerage systems, which are profitably operated; and whereas the revenues of said city are ample to justify the issuance of the bonds hereinafter provided for: Now, therefore,

Preamble: approval of bond issues.

Preamble: improvements necessary.

Preamble: floating debt.

Preamble: bonds represented by profitable investments.

Preamble: revenues of city justify debt.

The General Assembly of North Carolina do enact:

Section 1. That the city of Fayetteville be and it is hereby in all respects fully authorized and empowered to issue its coupon bonds for any or all of the purposes, and in the amounts following, that is to say:

Bond issues authorized.

1. For street paving, thirty-five thousand dollars ($35,000).

For street paving.

2. For improving its electric light plant, not exceeding thirty-five thousand dollars ($35,000).

For light plant.

3. For the construction of an abattoir, not exceeding ten thousand dollars ($10,000); and,

For abattoir.

4. For funding the floating debt contracted in the construction of sanitary sewers, three thousand dollars ($3,000).

For floating debt.

Sec. 2. That the time of payment of said bonds shall not exceed fifty years nor be less than ten years from the date of issue, and they shall be divided into classes and mature at different convenient dates between the limits aforesaid.

Maturity of bonds.

Classes.

Sec. 3. That said bonds, and said classes thereof, may be in different denominations, but no bond shall be issued in a denomination of less than twenty-five dollars nor more than one thousand dollars.

Denominations.

Sec. 4. That said bonds shall bear interest at a rate not exceeding five per centum per annum, payable quarterly, semiannually, or annually, the interest to be represented by coupons thereto attached.

Interest.

Sec. 5. That the denomination, class, maturity, and interest rate and period shall be prescribed by the board of aldermen of said city.

Matters prescribed by board of aldermen.

Authentication of bonds.

Sec. 6. That the said bonds shall be numbered, and signed by the mayor, attested by the city clerk, and bear the corporate seal of the said city of Fayetteville; and the coupons shall be numbered, and shall bear the facsimile of the signature of the city clerk, engraved or lithographed thereon.

Record of bonds.

Sec. 7. That a record shall be kept of said bonds, showing the numbers and denominations thereof, to whom sold, the dates of issuance and maturity, the interest rate and period, the amount received from the sales, and the date of paying the proceeds into the treasury, and such other data in relation thereto as the board of aldermen may direct.

Sale below par forbidden.

Sec. 8. That none of said bonds shall be sold, hypothecated, or otherwise disposed of for less than their par value.

Increase and renewal of treasurer's bond.

Sec. 9. That it shall be the duty of the board of aldermen to require the treasurer of said city to increase his bond so as to provide against any loss of money arising from the sale of any of said bonds, and to renew the same when necessary or advisable; and any increase in the cost of said bond may be paid for by the city, to whom the sureties thereon shall be satisfactory.

Fund for interest and sinking fund.

Sec. 10. That the mayor and board of aldermen of said city shall appropriate and set apart, commencing not more than two years after the issuance of any of said bonds, annually, out of the taxes collected by said city, such sums of money as will pay the interest on the bonds issued pursuant to this act, together with the principal thereof, at maturity; and any of said persons failing to so provide for the payment of such principal and interest shall be guilty of a misdemeanor.

Failure to provide funds misdemeanor.

Safe keeping and investment of sinking fund.

Sec. 11. That the moneys so appropriated and set apart as in the preceding section provided shall be held as a sinking fund by the treasurer of said city, to be invested by him as the finance committee of the board of aldermen of said city may direct; and no part thereof shall be invested except in first mortgages upon real estate in said city to an amount not exceeding its value as assessed for taxation, and in other bonds, or other classes of bonds, issued pursuant to this act, unless such investment be authorized by the boards of aldermen and of audit and finance of said city.

Approved investments.

Exemption from city tax. Coupons receivable for dues to city.

Sec. 12. That said bonds and coupons shall be exempt from taxation by the city of Fayetteville, and the coupons shall be receivable in payment of taxes or dues to said city.

Fiduciaries may invest trust funds.

Sec. 13. That all administrators, executors, guardians, and other persons acting in a fiduciary capacity are hereby authorized to invest the funds held by them in trust in said bonds.

Election to be held on issuance of bonds.

Sec. 14. That before any of the bonds hereinbefore provided for shall be issued, an election or elections shall be held at the city hall in said city, and the issuance of all or any part thereof approved by the qualified voters of said city of Fayetteville.

Vote on separate propositions.

Sec. 15. That the issuance of the bonds for street paving, for improving the light plant, for an abattoir, and for refunding the

three thousand dollars ($3,000) floating debt shall be voted on as separate and distinct propositions; and the election on any one or more of said propositions may be held on the same day or at different times, as may be deemed best by the board of aldermen of said city: *Provided*, that any one of said elections shall not be held within ninety days of another election: and *Provided further*, that the proposition to issue the three thousand dollars ($3,000) of bonds to fund the aforesaid floating debt shall be submitted at the first election herein provided for.

Elections on one or more propositions.

Proviso: intervals between elections.

Proviso: proposition for floating debt.

Sec. 16. For the purposes of the special elections herein provided for, a new registration shall be made of all the voters of the city of Fayetteville, before the first of such elections is held, unless such new registration of voters is required for other purposes between the date of the ratification of this act and twenty workings days next preceding the date of such first special election; and no other registration shall be necessary for the purposes of any of the other special elections herein provided for.

New registration.

Sec. 17. The registration books shall be opened on such day as the board of aldermen of said city may designate, and remain open twenty work days next preceding the first of such special elections; and said board of aldermen shall appoint a registrar of voters for the city of Fayetteville, who shall register such citizens thereof as may then be qualified and desire to vote in said election; and said board shall cause publication and notice to be given as provided by section seven of chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, except that twenty days notice shall be given instead of ten days.

Registration.

Registrar.

Notice.

Sec. 18. The duties of the registrar so to be appointed, the registration and oath of election, shall be as provided by sections eight, nine, and ten of said chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, except that said registration books shall be kept open for twenty days instead of ten days.

Registration.

Sec. 19. The board of aldermen of said city shall appoint two judges of election for the said special elections, whose duties, powers, and qualifications shall be the same as are provided by said chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, and any amendments thereof, and all matters and questions as to the elections herein provided for shall be determined according to the provisions of sections seven to fourteen, inclusive of both, of the said chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three: *Provided*, said board may appoint different judges for each of said elections.

Judges of election.

Law governing elections.

Proviso: judges for each election.

Sec. 20. The call for said election or elections shall state in writing the purpose for which the bonds are to be issued, the terms and conditions thereof, the amount proposed to be issued, the denominations thereof, the time of their payment, the rate of

Items to be stated in call for election.

interest, and time of payment of the coupons, but it shall not be necessary to incorporate in said call the form of the bonds or coupons, which call shall be published at least once a week for four weeks next preceding the election, in some newspaper published in the city of Fayetteville.

Publication of call.

Ballot boxes.

Sec. 21. At said election or elections but one proposition shall be voted on in one box, and it shall be the duty of the judges of election to provide a sufficient number of boxes therefor.

Ballots.

Sec. 22. The ballots shall be on white paper, and without device; and on the first proposition mentioned in section one of this act they shall contain the words "For Paving Bonds," or the words "Against Paving Bonds"; on the second proposition, "For Light Bonds," or "Against Light Bonds"; on the third proposition, "For Abattoir Bonds," or "Against Abattoir Bonds"; and on the fourth proposition they shall contain the words "For Funding Bonds," or "Against Funding Bonds."

Returns, canvass, and record of result.

Sec. 23. The returns of the result of each of said elections shall be made and certified by the registrar and judges of election and canvassed and declared by the board of aldermen, and the result recorded in the minutes of the meeting of said board, as declared by it.

Effect of election.

Sec. 24. That if a majority of the qualified voters of the city of Fayetteville vote in favor of any one or more of said propositions in said election or elections, the result of which is to be determined as aforesaid, then such bonds for such proposition or propositions shall be issued in the amounts mentioned in section one of this act, or in such smaller amounts as the board of aldermen may deem proper for the purpose; but if the majority vote is against such proposition, then no bonds shall be issued for the same.

Expenditure of proceeds of bonds.

Sec. 25. That the city of Fayetteville is hereby authorized and empowered to expend the proceeds of the sale of the street paving bonds as provided for in chapter four hundred and thirty-four of the Private Laws of one thousand nine hundred and seven, as amended by chapter forty-two of the Private Acts of one thousand nine hundred and nine, and for no other purpose, except that curbing and storm sewers are deemed in the purview of said acts of Assembly, and except that the premium thereon may be used as hereinafter provided.

Extension of light plant.

Sec. 26. That so much of the proceeds of the electric light bonds as the public works commission of the city of Fayetteville may deem necessary for the purpose shall be paid over to said commission and by it used for the extension, enlargement, and improvement of the municipal light plant; and for this purpose it is hereby authorized and empowered, in its discretion, and in the name of the city of Fayetteville, to acquire, by condemnation or otherwise, all necessary lands and water-powers and ways, and other property, in order to build and construct a new plant to supply light, heat, and power, both within and without the corporate limits of

Power to condemn lands.

said city, and to maintain and operate the same. From the proceeds of said light bonds said commission may install the necessary machinery and appliances so that the waterworks system may be operated by electricity. In any of said purchases the commission may apply on the purchase price any property now used in connection with the light plant and owned by the city. Electric power for waterworks. Property used in purchasing other property.

Sec. 27. Unless authorized to the contrary by the board of aldermen, the public works commission of said city shall pay over to the treasurer of said city annually, commencing two years after the issuance of the electric light bonds herein provided for, the sum of fifteen hundred dollars, the same to be used for the payment of the interest on said bonds and to create a sinking fund for the payment of the principal thereof at maturity, said fund to be invested as hereinbefore provided for; and each year such sum is so paid it shall not be necessary for the board of aldermen to set apart and appropriate out of the taxes collected by the city any moneys for the purpose of creating a sinking fund for the payment of the light bonds herein provided for, nor the interest thereon, and in which event the mayor and board of aldermen are relieved of the requirements of section ten of this act to this extent only. Fund for interest and sinking fund on electric light bonds.

Sec. 28. That from the proceeds of the sale of so much of the abattoir bonds as is necessary for the purpose, the city is authorized and empowered to construct, equip, maintain, and operate an abattoir, or, if the board of aldermen deem best, to lease the same, and to prescribe rules and regulations governing the maintenance and operation thereof, and the transportation of meat therefrom to the city market house or to other places in the city. Construction, equipment, or lease of abattoir. Rules for abattoir and transportation of meats.

Sec. 29. That for said purpose the city of Fayetteville is hereby given the right and power to acquire, by condemnation or otherwise, such lands as may be necessary and proper for the construction and operation of said abattoir: *Provided*, the same is built within two miles of the corporate limits; and when completed and in operation, the city, by ordinance, may prohibit the maintenance or operation of a slaughter-house within three miles of the corporate limits of the city. The city may also require all butchers licensed by it to sell meats in the corporate limits to have all their animals butchered at said abattoir, such animals and meats to be inspected and passed by some competent person appointed by the city before offered for sale in the corporate limits; and for all of which the city of Fayetteville may fix and charge a reasonable compensation. Power to acquire or condemn land. Proviso: location. Prohibition of slaughter-houses. Compulsory use of abattoir. Inspections of animals and meat. Charges.

Sec. 30. That all premiums on the bonds hereinbefore authorized, less the charges and expenses of the elections and sales therewith connected, together with any surplus remaining after the accomplishment of the objects for which the bonds are issued, shall be paid over to the public works commission of the city of Fayette- Funds for extension of waterworks system.

ville and by it used in the extension of its waterworks system; and none of the proceeds of such sales shall be used otherwise.

Sec. 31. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 32. That this act shall be in force from and after its ratification.

Ratified this 6th day of March, A. D. 1913.

CHAPTER 317.

AN ACT TO REPEAL CHAPTER 124, PRIVATE LAWS OF 1911, AND TO EXTEND THE CORPORATE LIMITS, AND TO AMEND, REVISE, AND CONSOLIDATE THE CHARTER OF THE TOWN OF HAZELWOOD IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and twenty-four of the Private Laws of one thousand nine hundred and eleven be and the same is hereby repealed.

Sec. 2. That section two of chapter ninety-one of the Private Laws of one thousand nine hundred and five be and the same is hereby repealed, and the following is inserted in lieu thereof: That the corporate limits of the town of Hazelwood shall be as follows: Beginning on a beech tree, the northwest corner of R. E. Osborne's yard fence; thence in a southern direction to the southeast corner of the Junaluska Leather Company's line; thence with the line of the Junaluska Leather Company to the southern Railway; thence up said railway, with the fence of J. C. Welch, to where the said corporation line strikes said railway; thence with the present corporation line to the present corner in J. C. Welch's field; thence in an easterly direction to the southwest corner of J. M. Long's lot, number two hundred and twenty, Brookwood addition; thence north twenty-two degrees thirty minutes east three hundred and eighty-two feet to the northeast corner of lot number two hundred; thence westerly to the southeast corner of lot number one hundred and ninety-seven; thence north seventeen degrees east to the southwest corner of lot number one hundred and seventy-four; thence north eighty-five degrees thirty minutes east one hundred and four feet to the southeast corner of lot number one hundred and seventy-three; thence with the east line of lot number one hundred and seventy-three to Pine Street; thence south seventy-nine degrees west with the south line of Pine Street seventy-five feet; thence north ten degrees thirty minutes west with east boundary line of lots one hundred and fifty-three to one hundred and forty-seven, both inclusive, to Cedar Street; thence north six degrees thirty minutes west, with the east

Corporate limits.

boundary lines of lots one hundred and forty-three to one hundred and forty-six, both inclusive, and one hundred and thirty-five to Lynn Street; thence south eighty-nine degrees thirty minutes east to Brook Street; thence with the west side of Brook Street to the corner of T. G. Miller's lot to present corporation line; thence with said line to present corner near W. H. Cole's smokehouse; thence in a northwestern direction to the center of a trestle on the Southern Railway, crossing the branch; thence in a western direction to the corner of the Brown heirs and John Grimball land on Richland Creek; thence with Richland Creek to the mouth of Plott's Creek, leaving the bridge out; thence with the east side of Plott's Creek Road to fork of road leading to Hazelwood; thence in a western direction with the north side of Plott's Creek Road, including same, to place of beginning.

Election day.

Sec. 3. That section four of chapter ninety-one of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the word "Monday," in the first line thereof, and inserting in lieu thereof the word "Tuesday."

Eligibility for mayor or commissioner.

Proviso: residence.

Proviso: residents of added territory.

Sec. 4. That section five of chapter ninety-one of the Private Laws of one thousand nine hundred and five be amended by striking out all of said section and inserting in lieu thereof the following: "That any qualified elector of this State shall be eligible as mayor or commissioner: *Provided*, he shall have resided within the corporate limits of the town of Hazelwood for a period of twelve months next preceding the day of election: *Provided further*, that any person not heretofore a resident of the town of Hazelwood, but made a resident by this act, shall be eligible to vote or be mayor or commissioner of said town from and after the ratification of this act."

Property qualification rescinded.

Sec. 5. That section six of chapter ninety-one, Private Laws of one thousand nine hundred and five, be amended by striking out in lines four and five the words "or own real estate, as provided in section five of this act."

Tax rate.

Sec. 6. That section fifteen of chapter ninety-one of the Private Laws of one thousand nine hundred and five be amended by striking out, in line seven thereof, the words "twenty-five cents" and inserting in lieu thereof the words "one dollar," and by striking out, in line eight, the words "seventy-five cents" and adding in lieu thereof the words "two dollars."

Notice for election and appointment of officers.

Sec. 7. That section thirty of chapter ninety-one, Private Laws of one thousand nine hundred and five, be and the same is hereby amended by inserting in line one, after the word "mayor," the following: "and board of commissioners"; and by striking out, in line five, the word "his," and inserting in lieu thereof the word "their."

License taxes.

Sec. 8. That in addition to power to levy a tax on real and personal property conferred on the board of commissioners by chapter ninety-one, Private Laws of one thousand nine hundred and five,

the board of commissioners of the town of Hazelwood may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector immediately, and if the same is not paid on demand, the same may be recovered by suit on the article upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, to wit:

Peddlers. (1) Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding twenty-five dollars per year, except such as sell books, charts, or maps, and such only as sell goods, wares, and merchandise and other productions of the growth and manufacture of this State.

Tables for games. (2) On every bowling alley and every billiard table and every bagatelle table and every other table or gaming contrivance the object of which is gain, and for the use of which charge is made, a tax not exceeding fifty dollars on each table, reserving the right to remove it at any time as a nuisance.

Eating-houses and restaurants. (3) On all keepers of eating-houses or restaurants, fish or meat markets, vegetable or bread stands or fruiterers, a tax not exceeding ten dollars per year.

Circus riders. (4) On every company of circus riders who shall exhibit in the town, a tax not exceeding fifty dollars for each day or part thereof, the tax to be paid before the exhibition, and if not so paid, to be doubled.

Other exhibitions. (5) Upon every person or company exhibiting in the town, stage or other theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing, or menagerie, a tax not exceeding twenty-five dollars for every day they exhibit.

Artificial curiosities. (6) Upon every exhibition for reward of artificial curiosities in the town, a tax not exceeding ten dollars, to be paid in advance.

Shows and strolling musicians. (7) Upon each show or exhibition of any other kind, not hereinbefore mentioned, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting.

Transfer lines. (8) Upon any person, firm, or corporation engaged in the business of transporting passengers or baggage for hire, within the town, a tax not exceeding five dollars upon two-horse vehicles and two dollars and fifty cents on one-horse vehicles: *Provided*, that the same shall not apply where the party pays a livery-stable tax as hereinafter provided.

Proviso: liverymen not liable.

Livery stables. (9) Upon every livery stable, a tax not exceeding one dollar per head of horses kept.

Barber shops. (10) Upon every barber shop, a tax not exceeding three dollars per chair.

Wood and coal yards. (11) Upon every wood or coal yard, a tax not exceeding five dollars per year.

Dog tax. (12) Upon every dog, a tax not exceeding three dollars.

Other trades, callings, or professions. (13) On every person, firm, or corporation exercising any trade, calling, or profession taxable under the laws of North Carolina, within the limits of the said town, a tax not exceeding ten dollars.

(14) That the taxes herein authorized to be levied shall be levied at the time of levying other town taxes. Levy of tax.

Sec. 9. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 10. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 318.

AN ACT TO INCORPORATE THE TOWN OF FALCON IN THE COUNTY OF CUMBERLAND.

The General Assembly of North Carolina do enact:

Section 1. That the town of Falcon, in the county of Cumberland, be and the same is hereby incorporated under the name and style of "The Town of Falcon," and under and by said name may sue and be sued, plead and be impleaded, contract, and be contracted with, and acquire and hold property, real and personal, for the use of the town, as its board of commissioners deem expedient. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of the town shall be as follows: Beginning at a point fifty-six and fifty-six one-hundredths chains north fifty-three degrees west from the center of the intersection of Front Street and the avenue leading from Antioch Baptist Church, and running thence south eight east one mile; thence north eighty-two east one mile; thence north eight west one mile; thence south eighty-two west one mile, to the beginning; that is to say, said town shall be bounded by four lines, each one mile in length, each of said lines one-half mile from the center of said town, that is to say, the intersection of Front Street and said avenue. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor, four commissioners to be elected by the people, and a marshal, and such other officers as may be deemed necessary to the preservation and regulation of the town's best interest, to be elected or appointed by the board of commissioners. Town officers.

Sec. 4. That until the election hereinafter provided for, the mayor and commissioners shall be as follows: mayor, R. H. Allen; commissioners, R. E. Lee, J. A. James, C. B. Strickland, and L. W. Autry. Mayor and commissioners named.

Sec. 5. That there shall be held on the first Tuesday in May, one thousand nine hundred and thirteen (1913), and biennially thereafter, under the same rules and regulations as are prescribed for State elections, in some convenient place in said town, to be designated by the board of commissioners, an election for a mayor and four commissioners, who shall hold their offices until their Town elections.

Election officers. successors are qualified; and for the holding of such elections the board of commissioners shall appoint one registrar and two judges

Proviso: registration. of election: *Provided*, that it shall be sufficient for the registrar to hold the books open for ten days prior to the day for closing the same for the registration of voters according to law.

Eligibility of mayor and commissioners. Sec. 6. That any qualified elector in the State who has been a *bona fide* resident of said town for twelve months next preceding the day of the election shall be eligible as mayor or commissioner.

Voters. Sec. 7. That all persons entitled to vote in the county of Cumberland for members of the General Assembly, and shall have been *bona fide* residents of said town for ninety days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to register and vote at any municipal election of said town.

Legislative powers. Sec. 8. That the board of commissioners may adopt and enact such ordinances, rules and regulations as to them may seem best for the government of said town, preserving the peace, abating

Punishments. nuisances, and promoting sanitary conditions therein, and may enforce the same by fine not exceeding fifty dollars, or imprisonment not exceeding thirty days in the common jail of Cumberland County, or by sentence to work on the streets or other public works of said town or the public roads of said county.

Municipal court. Sec. 9. That the mayor of said town is hereby constituted a

Jurisdiction in criminal matters. municipal court, with the exclusive original jurisdiction in criminal offenses arising under or by virtue of this charter or any ordinances passed by the board of commissioners, and is also invested with jurisdiction concurrent with that of justices of the peace in trial of all criminal causes which are now or which may

Civil jurisdiction. hereafter be given to justices of the peace. The mayor shall likewise have the same jurisdiction as that of justices of the peace, to hear and determine all civil actions and causes arising under and by virtue of this act, the ordinances of said town or the general

Issue and execution of process. law applicable to towns and cities. The mayor may issue his process to the town marshal or other lawful officer of Cumberland County, and the same may be executed anywhere in said county.

Proceedings. The proceeding in said court shall be in all respects the same as

Fees. that prescribed by law for justices of the peace, and the mayor and all officers of said court shall be entitled to the same fees as are

Proviso: fees to use of town. now or hereafter may be prescribed for justices' courts: *Provided*, that the board of commissioners may require all fees to be paid by such officers into the treasury of said town.

Property tax. Sec. 10. That the board of commissioners of said town shall have the authority to levy and collect, annually, an *ad valorem* tax on

Limit of rate. all property, real and personal, of not more than fifty cents on

Poll tax rate. every one hundred dollars valuation of the same, and shall at the same time levy and collect a per capita tax not exceeding one

License taxes. dollar and fifty cents on every taxable poll. Said board of commissioners may also levy and collect, subject to the general law, a

privilege or license tax on all dealers in coca-cola and other bottle drinks and on all persons handling coca-cola or other like beverages, by whatever name known, on all dealers in tobacco in any form, and on all trades, professions, franchises, and subjects taxed for State purposes; and to enforce the collection of said taxes the board of commissioners may appoint a tax collector, who shall be vested with all the authority in the collection of the same as is now conferred or may hereafter be conferred upon officers by law. Appointment and authority of tax collector.

Sec. 11. That the mayor, board of commissioners, marshal, and all other officers of said town shall have all the authority and power, not inconsistent with the provisions of this act, which now belong to similar officers, or which may hereafter be conferred upon such officers by the law of the State applicable to towns and cities. Powers of officers.

Sec. 12. That it shall be unlawful for any person, firm, or corporation to sell, either directly or indirectly, any cigarettes, or any paper for the purpose of aiding any person to make cigarettes; and the gift of any cigarette, or cigarette paper with any other goods purchased shall be considered and held to be a sale of the same within the meaning of this act. Sale of cigarettes and cigarette papers forbidden. Gifts held as sales.

Sec. 13. That it shall be unlawful for any person, firm, or corporation to manufacture or sell any spirituous, vinous, or malt liquors, or any liquor or mixture thereof which will produce intoxication, within the corporate limits of said town; and for the purpose of this act the place of delivery of any such liquor shall be deemed and held to be the place of sale thereof. Sale of liquors forbidden. Place of delivery place of sale.

Sec. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 319.

AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF LENOIR TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of refunding the outstanding indebtedness of the board of graded school trustees of Lenoir, the said board shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding nine thousand dollars, of such denominations and of such proportion as the said board of trustees may deem advisable, bearing from date thereof a rate of interest not exceeding six per centum per annum, with interest coupons attached, payable half-yearly, at such time or times and at such place or places as may be deemed Bond issue authorized. Amount. Denominations. Interest.

Maturity.

advisable by said board of trustees. Said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from date thereof, and at such place or places as said board of trustees may determine: *Provided*, that said board of trustees shall issue said bonds at such time or times and in such amount or amounts as may be required to meet the expenditure hereinafter provided for.

Proviso: bonds issued as required.

Use of proceeds.

Sec. 2. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of graded school trustees in paying off the interest-bearing debts of said board, other than the bonded debt now outstanding and excluding the amount due the State Board of Education.

Sale below par forbidden.

Sec. 3. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for less price than their par value, nor shall said bonds nor their proceeds be used for any other purpose than that declared in the preceding section of this act.

Specific appropriation of proceeds.

Exemption from taxation.

Sec. 4. That said bonds and their coupons shall not be subject to taxation by the town of Lenoir until after they shall have become due and tender of payment shall have been made, and such coupons shall be receivable in payment of all taxes and public dues of said town for any fiscal year in which coupons shall become due or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times or at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Coupons receivable for dues to town.

Interest to cease on maturity.

Particular tax.

Sec. 5. That for the purpose of providing for the payment of said bonds and interest thereon, the board of commissioners of the town of Lenoir shall annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of May, nineteen hundred and thirteen, levy and lay a particular tax on all subjects of taxation within the limits of said graded school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; such particular tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trustees: *Provided*, that the total tax levy for all school purposes in said graded school district, including the payment of the interest on the bonds herein provided for, shall never exceed the present rate of sixty-six and two-thirds cents on the one hundred dollars assessed valuation on real and personal property and not more than two dollars on each taxable poll.

Rate recommended by school trustees.

Proviso: limit of school tax.

Act submitted to voters of district.

Sec. 6. That the provisions of this act shall be submitted to a vote of the qualified voters of said graded school district at the election to be held for mayor and town commissioners on the first Monday in May, one thousand nine hundred and thirteen. The

Time for election.

said election shall be held as provided for in chapter thirty-seven of the Private Laws of nineteen hundred and nine, the same being the method provided for holding elections in the town of Lenoir. That thirty days notice of such election, containing a copy of this act or a synopsis of the same, shall be published in one or more newspapers published in the town of Lenoir, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds herein provided for and the levy and collection of the particular taxes provided for in section five of this act shall deposit a ballot containing the written or printed words "For Bonds," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Bonds." If a majority of such voters shall vote "For Bonds," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds, and to the board of commissioners of said town authority to levy such particular tax, and said board of trustees and said board of commissioners shall have such authority; but if a majority of such qualified voters shall vote "Against Bonds," then said board of trustees and said board of commissioners shall not have such authority: *Provided*, that the results of such elections, duly ascertained in accordance with the law, shall be enrolled upon the public records of the town of Lenoir; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the facts therein certified.

Act governing election.

Notice of election.

Law governing election.

Ballots.

Effect of election.

Proviso: record of result.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 320.

AN ACT TO CHANGE THE BOUNDARY LINE OF THE INGOLD SPECIAL-TAX DISTRICT, LISBON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the northern line of Ingold Special-tax District, Lisbon Township, Sampson County, North Carolina, be and the same is hereby changed to run as follows: Beginning at the intersection of the Ingold Special-tax District line and the Lisbon Road; thence following the Lisbon Road to the Blackburn Road; thence following the Blackburn Road to its intersection with the original Ingold Special-tax District line.

Northern line changed.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 321.

AN ACT TO AMEND CHAPTER 132 OF THE PRIVATE LAWS OF 1903, ESTABLISHING GRADED SCHOOLS IN THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Section 1. That section ten of chapter one hundred and thirty-two, Private Laws of one thousand nine hundred and three, be and the same is hereby repealed, and the following substituted in lieu thereof:

Board of school trustees.

Election.

Law governing elections.

Vacancies.

Proviso: trustees not officers.

"Sec. 10. That the public schools of said district shall be under the control of a board of school trustees composed of seven members, who shall be elected by the voters of said district on the first Monday in April in each year after the year one thousand nine hundred and thirteen, and under the rules and regulations now provided by law for holding municipal elections in the town of Lenoir. Any vacancy in the board of trustees shall be filled by the other members of the board, whether such vacancy shall occur by reason of death, resignation, failure to elect, or otherwise: *Provided*, that the office of school trustee hereby created shall not constitute an office within the meaning of article seven, section fourteen of the Constitution of North Carolina."

Terms of present trustees to cease.

Election of new trustees.

Terms.

Election of successors.

Sec. 2. That the term of office of the board of trustees as at present constituted shall cease and be at an end on and after the first Monday in May, in the year one thousand nine hundred and thirteen; and that at an election to be held on the first Monday in May, one thousand nine hundred and thirteen, for town officers, there shall be elected seven trustees, two of whom shall be elected for a term of one year, reckoned from the first Monday in April, one thousand nine hundred and thirteen; three of whom shall be elected for a term of two years, reckoned from the first Monday in April, one thousand nine hundred and thirteen; and two of whom shall be elected for a term of three years, reckoned from said first Monday in April, one thousand nine hundred and thirteen, and the successors of such trustees as hereinbefore provided for shall be elected annually thereafter for a term of three years, as the terms of said trustees as hereinbefore provided for shall expire.

Sec. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 322.

AN ACT TO PAY OFF AND REFUND $20,000 WATER BONDS OF THE CITY OF HENDERSONVILLE, ISSUED THE 2D DAY OF APRIL, 1888, AND MATURING THE 2D DAY OF APRIL, 1913.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the city of Hendersonville be and they are hereby authorized and empowered to refund the twenty thousand dollars water bonds, including interest thereon, which said bonds were issued by said city on the second day of April, one thousand eight hundred and eighty-eight, and fall due on the second day of April, one thousand nine hundred and thirteen, by the issuance and sale of new bonds, in an amount not to exceed twenty thousand dollars, in such denominations, for such time not to exceed thirty years, and upon such conditions as the said board of commissioners may decide; the interest on said refunding bonds to accrue annually or semiannually, as may be thought best by said commissioners, and to be at such rate, not exceeding six per cent per annum, as the said board of commissioners may decide upon; the said refunding bonds to be issued under such rules and regulations as the said commissioners may pass and determine for that purpose.

Authority to refund bonds.

Bond issue authorized.
Amount.
Denominations.
Maturity.
Interest.

Issue of bonds.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 323.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE ENFIELD GRADED SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING A BUILDING FOR THE WHITE GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the Enfield Graded School District is hereby authorized and empowered to issue, to an amount not exceeding thirty thousand dollars, bonds in the name of said Enfield Graded School District, in such denomination and in such form as such board of trustees may determine, with which to build, construct, and erect and furnish a suitable school building for the white graded school of said Enfield Graded School District.

Bond issue authorized.

Amount.

Denomination.

Purpose of issue.

Maturity.

Sec. 2. That said bonds shall be made payable or redeemable at such place or places, and at such time or times, as may be determined on by said board of trustees, not exceeding twenty years from the date thereof.

Interest.

Sec. 3. That said bonds shall bear interest at a rate not exceeding six per cent per annum from the date thereof, with interest coupons attached, payable semiannually at such place or places as may be deemed advisable by said board of trustees.

Sale below par forbidden.

Specific appropriation of proceeds.

Sec. 4. That none of the bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation, or otherwise, for a less price than their par value, nor shall said bonds or their proceeds be used for any other purposes than those declared in section one of this act.

Bond issue to be authorized by voters.

Date designated by school trustees.

Ballots.

Notice of election.

Law governing elections.

Sec. 5. That said bonds shall not be issued until authorized by a majority of the qualified voters of said Enfield Graded School District at an election to be held on a date to be designated by the board of trustees of said Enfield Graded School District at any time after the ratification of this act, at which election those favoring the issuing of said bonds for said purposes shall vote a written or printed ballot containing the words "For Bonds," and those opposing it a like ballot containing the words "Against Bonds"; and it shall be the duty of said board of trustees to give notice of the time, place, and purpose of such election for thirty days prior thereto in some newspaper published in the town of Enfield; that such election shall otherwise be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as the elections are held in the town of Enfield for the election of municipal officers; and the said board of trustees may or may not, as they may determine, order a new registration for said election.

Issue of bonds if authorized.

Amount.

Authentication.

Exemption from taxation.

Coupons receivable for dues to district.

Sec. 6. That if the powers hereby conferred and hereinbefore provided for shall be exercised, and a majority of the qualified voters of the said Enfield Graded School District shall vote "For Bonds," then said board of trustees shall issue said bonds, not exceeding said amount of thirty thousand dollars, which said bonds shall be signed by the chairman and attested by the secretary of said board of trustees and sealed with the corporate seal of said Enfield Graded School District; and the signature of the said chairman and secretary of said board of trustees may be printed or lithographed on the coupons attached to said bonds, and the said bonds and their coupons shall become exempt from taxation in said Enfield Graded School District until they shall become due and tender of payment shall have been made; but nothing herein shall exempt said bonds from taxation by the town of Enfield; and the said coupons shall be receivable in payment of the taxes levied by said Enfield Graded School District or any other debt due to said Enfield Graded School District.

Special tax.

Sec. 7. That for the purpose of providing for the payment of said bonds and coupons as the same shall become due, the said

board of trustees of said Enfield Graded School District is hereby authorized and empowered to levy and cause to be collected annually, as other graded school district taxes are collected, a tax not exceeding fifteen cents on the one hundred dollars valuation of real and personal property, and not exceeding forty-five cents on all taxable polls in said Enfield Graded School District; and, also, before the maturity of the principal of said bonds, and for a sufficient length of time prior thereto, it shall be the duty of the board of trustees of said Enfield Graded School District to set apart such portion of the foregoing levy each year as may be necessary to pay for said principal at its maturity; and under said levy the constitutional equation between poll and property shall always be preserved, and the taxes so collected and levied shall be kept separate from all other taxes and shall be used for no other purpose than for the building, erection, construction, and furnishing of said building for the white graded school of said Enfield Graded School District, and for the payment of said bonds and coupons as above provided for.

Limit of rate.

Sinking fund.

Constitutional equation.

Taxes kept separate.

Specific appropriation.

Sec. 8. That the said board of trustees of said Enfield Graded School District shall have power and authority to build, erect, construct, and furnish a school building for the white school of said Enfield Graded School District; and it shall have full power to sell, mortgage, or otherwise dispose of the present site of the school building for the white school of said Enfield Graded School District, or the buildings thereon, and power to purchase and hold such real estate and personal property and to acquire all such rights and privileges as may be deemed necessary to enable them to build, erect, construct, and furnish such building for the white school of said Enfield Graded School District.

Power to erect school building.

Disposal of present site.

Power to purchase and hold property.

Sec. 9. That if, at the first election held under the provisions of this act, a majority of the qualified voters of the said Enfield Graded School District shall not vote "For Bonds," then and in that event the board of trustees of said Enfield Graded School District, at any time thereafter, not oftener than once in each twelve months, as they may deem fit, and by their own motion, may, or upon the petition of one-fifth of the qualified voters of said Enfield Graded School District, shall again submit the same question to the qualified voters of said graded school district, on the same notice and terms as required for said first election; and if a majority of the qualified voters of said graded school district shall at any of the said elections vote "For Bonds," then this act and all the provisions hereof shall be and remain in full force and effect and shall have the same force and effect as if no previous election had been held.

Further elections.

Sec. 10. That this act shall be and remain in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 324.

AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO ACQUIRE LANDS OR RIGHTS OF WAY FOR THE PURPOSE OF IMPROVING TOWN BRANCH OR ANY OTHER BRANCH OR WATER-COURSE IN THE CITY OF ASHEVILLE, AND AUTHORIZING SAID CITY TO LAY OFF A TAXING DISTRICT.

The General Assembly of North Carolina do enact:

Power to purchase lands, franchises, and other property.

Section 1. In order that the city of Asheville may protect its streets and sidewalks, private and other property lying along Town Branch, and any other branch or water-course in said city, from the overflow from any such branch or water-course, and that the property lying along any such branch or water-course may be more properly drained, and that any such branch or water-course may be kept in a more sanitary condition, the mayor and board of aldermen of the city of Asheville are hereby authorized and empowered to buy land, real estate, water, water-courses or rights of way therein, and to buy franchises, personal and other property of any kind or description for the purpose of this act.

Power to create assessment districts.

Sec. 2. And for the purpose of carrying out the provisions and requirements of this act, the said mayor and board of aldermen shall, when in their opinion any land, real estate, water, water-course, or right of way therein, or any franchise, personal or other property of any kind or description is necessary for the purpose of opening, widening, straightening, or changing the channel of Town Branch, or any other branch or water-course in said city, or any part thereof, or for any change in the same, from time to time, or for the purpose of cleaning and keeping any such branch or water-course, or any part thereof, clean from any obstruction, or for the purpose of building walls along or culverts over any such branch or water-course to protect the streets and sidewalks, private and other property in said city from the overflow of water from any such branch, and to keep any such branch or water-course free from obstruction and unsanitary conditions, or for any other purpose that said board of aldermen may in its discretion think necessary for the proper protection of property and health and safety of life of persons in said city, and the owner or owners of said property and the board of aldermen cannot agree as to the amount of damages consequent thereupon, as well as the special advantages which may result to the owner or owners thereof by reason of such opening, widening, or otherwise improving the condition of said branch, said board of aldermen shall lay out, constitute, and erect an assessment district extending in every direction to the limits of the area or zone of damages or special benefits to the property resulting from the

said improvements, to the best judgment of said board of aldermen of said city (and said assessment district may be laid out, erected, and constituted by said board of aldermen at their discretion, either before or after said improvement is made), and may direct the mayor of said city to issue and he shall thereupon issue his writ, under the seal of said city, commanding a policeman thereof to summon a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvement, in which writ the improvement shall be fully described, and the persons who are supposed to be affected thereby shall be named. And in order that the true intent of sections one and two hereof may be more fully carried out, all of section sixty-five, chapter one hundred of the Private Laws of one thousand nine hundred and one, after the word "named," in line eighteen thereof, be and the same is hereby made a part of this act.

Creation before or after improvement.

Jury for assessment.

Law made part of act.

Sec. 3. That the mayor and board of aldermen of the city of Asheville shall have full power and authority, and it is hereby made their duty, to open, construct, excavate, straighten, widen, build walls, culverts, and otherwise improve the channel of Town Branch and any other branch or water-course in said city, and to keep the same clear from obstruction, and to as nearly as possible so improve any such branch or water-course as to confine the waters of any such branch or water-course inside of said channel and make any such branch or water-course as sanitary as possible: *Provided, however*, that said city shall not be liable for any damages sustained on account of any overflow of any such branch, either before, during, or after the construction of said channel or any improvement made thereto: *Provided further*, that said city shall not in any way be responsible for any damage sustained by reason of the city not making such improvements, nor on account of any failure to keep the same, or any part thereof, improved or in good repair, or in a sanitary condition.

Improvements directed.

Proviso: city not liable for damages.

Proviso: further relief from liability.

Sec. 4. That in order to more fully carry out the duty imposed by this act, the mayor and board of aldermen of said city shall assess or cause to be assessed two-thirds of the cost and expense of opening, constructing, grading, widening, building retaining walls, culverts, and for otherwise improving or repairing any such branch or water-course on the real estate abutting on each side of such branch or water-course, where said improvements are made, as well as against all the property within a radius or zone of benefits arising from such improvements which are not actually abutting on said branch; the property liable to assessment hereunder and the apportionment of costs and expense of said improvement against the same, which should be assessed against any piece or parcel of property benefited as aforesaid, shall be determined by a jury of six freeholders of said city unconnected by

Apportionment of expense.

Determination of assessments.

consanguinity or affinity with any of the persons supposed to be affected by said improvement. Before a jury shall be summoned to assess the costs and expense of said improvement, the mayor and board of aldermen shall lay out, erect and constitute an assessment district extending in every direction to the limits of the area or zone of the special benefits to the property resulting from said improvement, to the best judgment of said mayor and board of aldermen; and said board may direct the mayor to issue, and he shall thereupon issue, his writ under the seal of said city, commanding a policeman of said city to summon a jury of six freeholders of said city, with the qualifications above set forth, in which writ the improvement shall be generally described, and therein name the persons supposed to be affected thereby. Each juror shall be sworn by the mayor or other person authorized to administer oaths in this State, to faithfully and impartially execute the duties of his office before entering upon the performance thereof. Each member of said jury summoned as aforesaid shall repair to the mayor's office at the date and hour to be named in the mayor's writ, not more than five days after the date of issuing of said writ, and be sworn as hereinbefore required. Upon the assembling of said jury at the mayor's office any person so summoned may be excused by said mayor upon satisfactory excuse offered; and the mayor shall require a policeman of the said city to summon another person having the same qualifications heretofore described, to appear instanter, and serve upon the jury in the place and stead of the juror so excused; and should any juror fail to be present at the time appointed in said mayor's writ, said mayor shall have a policeman to summon another person or persons of the same qualifications as herein required for jurors, to appear instanter, and be sworn as herein provided. Immediately after being sworn as aforesaid, the said jury, as finally constituted, shall proceed without unnecessary delay to view the improvement and the assessment district as hereinbefore described, and all property deemed by them to be beneficially affected thereby, and shall within a reasonable time thereafter, and not exceeding twenty-four hours thereafter, having made careful consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property (by number or otherwise) deemed by them to be beneficially affected by said improvement, together with the amount of said benefits thereto arising from such improvement, and also giving the name or names of the supposed owner or owners thereof. Said jury shall immediately upon making up this report, a majority having concurred therein, sign their names thereto, under seal, and shall immediately file said report with the city clerk, who shall submit the same to the mayor and board of aldermen at their first regular meeting after the date of the filing of said report. Should said jury, with a majority concurring, fail to

Erection of assessment district.

Issue and service of writ.

Jurors to be sworn.

Assembling and completion of jury.

Jury to view improvement.

Report of jury.

Jury to sign and file report.

Submission of report to mayor and aldermen.

Hung jury excused.

agree upon such benefits to any piece or parcel of land as aforesaid, arising from such improvements, after being together and considering the same for twenty-four hours, said jury may be excused by said mayor from further consideration thereof, and said mayor may within five days thereafter cause another jury of the same qualifications as herein provided to be summoned to appear at the mayor's office instanter, who shall qualify and be sworn in the same manner as is herein prescribed for jurors; and said jury shall proceed immediately after being sworn to consider and pass upon all the property that they consider beneficially affected by said improvement, and shall proceed in every respect in their deliberations, making up their report and filing the same as prescribed for the first jury for the assessment of benefits. Should the second jury, as herein provided, not agree as herein required, then the board of aldermen may, at any time after thirty days, order the mayor to issue his writ for another jury, as prescribed for the first jury, and the procedure shall be the same as prescribed for the first jury for the assessment of benefits. Said board of aldermen shall at their first regular meeting after the final report of any jury, as herein provided, or at any regular meeting within twenty days from the date of the filing of said jury's report, wherein a majority of said jury has concurred in such report, require the city clerk to publish a notice for not less than twenty days in some newspaper published in said city of general circulation, to the effect that said jury has made its report and prorated and assessed the cost and expense of said improvement (which shall be described generally) against the property specially benefited thereby, naming when possible the owners thereof, or the party in whose name said property may be listed for taxation, or in case the owner cannot be ascertained and the property is not listed for taxation, then the name of the party occupying the same, if any, admonishing all persons interested therein, particularly those named in said report, that said report has been made and filed with the city clerk, and that they and each of them are required to appear at the meeting of the board of aldermen to be specified in said notice, to be held not less than ten days from the date of said notice, and show cause, if any should exist, why said report shall not be approved and confirmed by said board, and at such meeting said board shall take up and consider the report of said jury and hear any competent evidence of any person whose property is affected, touching any matters covered by said report, and to that end said board of aldermen are hereby constituted a court with power to send for any person and papers, to provide for the examination of witnesses, to punish persons, in proper cases, for contempt of court. After hearing evidence as aforesaid and duly considering said report, or in case no objection is made, after duly considering said report, the said board of aldermen may approve, correct, modify, or reject the

Summons for another jury.

View of improvements and report of jury.

Third jury.

Notice for hearing on report.

Aldermen constituted a court.

Action on report.

same, or any item therein, as to them may seem just and proper, and said report, or said corrected, amended, or modified report, as the case may be. Said report, when finally approved by said board, shall then be entered in full in a book to be provided for that purpose by the board of aldermen and to be entitled "Record of Branch Assessment Liens," which book shall be properly and accurately indexed, as near as may be, in the name of the owner of the property affected by said improvement, so as to enable the public, to whom said book with its index may always be open and accessible during business hours, to readily ascertain what property may be affected by said assessments and the amount of said assessments against each piece or parcel of property. Any aggrieved party may appeal from the final determination of said board of aldermen with respect to said report or any item therein, as aforesaid, within ten days after the date of the final action of said board of aldermen in passing upon said jury's report, to the next term of the Superior Court of Buncombe County, beginning more than ten days after the date of such appeal, by serving written notice of appeal upon the mayor of said city and specifying therein the particulars in which he considers himself aggrieved by such determination of said board of aldermen, and upon filing a good and solvent cost bond in the sum of at least two hundred dollars. On any such appeal the appellate court shall have the power to increase, affirm, or diminish the amount of the item appealed from, but not to adjudicate the necessity of the improvement. The amount of any special benefit or enhanced value so assessed against any land or premises by the board of aldermen of said city or on appeal adjudged against the same shall, upon such final determination of said board of aldermen with respect thereto, in case no appeal is taken therefrom, or upon final judgment of the court in case of any such appeal, become a lien in favor of said city on said property on which it has been so assessed or adjudged, as of the time of such final determination by the board of aldermen, and the amount of said liens and of said assessments against all property so assessed in said area or zone of benefits shall become due and payable as follows: One-third of said amount so assessed against each piece of property shall be paid within thirty days after such final determination on the part of the board of aldermen, and the balance in two equal annual installments, together with interest on each installment at the rate of six per cent from date of the final determination of said report by said board till paid. If any installment shall remain unpaid for thirty days after its maturity, all installments unpaid shall become due and the property and premises so assessed shall be sold for the payment of the same, and the expense of such sale and the cost thereof, by the tax collector of said city under the same rules, regulations, rights of redemption and other provisions as is prescribed by the charter of the city of Asheville

Record of branch assessment liens.

Book and index open and accessible.

Right of appeal.

Notice of appeal.

Bond on appeal.

Judgment on appeal.

Assessment a lien on land.

Payment of assessments.

Collection of installments.

for the sale of real estate for unpaid taxes. The installments or assessments herein mentioned, or any part of the same, may be assigned and transferred by said city, either absolutely or conditionally, as to the board of aldermen may seem best. Assignment or transfer of assessments.

Sec. 5. That the said mayor and board of aldermen may in their discretion improve all of any such branch or water-course at one time, or any part thereof at a time, and charge the cost and expense thereof to the property within the radius of benefits, as hereinbefore prescribed, and may from time to time improve other parts of any such branch or water-course, and lay off as many assessment districts and charge the cost and expense thereof to each section as they may in their discretion think best; and said board of aldermen may proceed in the same manner to make any needed changes or repairs from time to time to any such branch or water-course or any part thereof, and charge two-thirds of the cost and expense thereof to the property benefited inside of any one of said assessment districts originally laid out in which said change or needed repairs may be made. Improvement done at one time or from time to time.

Sec. 6. Should the mayor and board of aldermen for any reason reject the report of the jury for any assessment, as in this act provided, they may at any time within twelve months thereafter order another jury to make the assessments of said benefits in the same manner as herein provided. Rejection of report.

Sec. 7. That the provisions of chapter four hundred and one of the Private Laws of one thousand nine hundred and five shall in no way apply to the provisions of this act. Law not applicable.

Sec. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 325.

AN ACT TO AMEND AN ACT CREATING PHILADELPHUS GRADED SCHOOL DISTRICT, RATIFIED FEBRUARY ...., 1913.

The General Assembly of North Carolina do enact:

Section 1. That section one of an act ratified at this session of the General Assembly, entitled "An act to change the name of Special-tax District Number One, Pembroke Township, Number One, in Burnt Swamp Township and a part of Number Four in Red Springs Township, all in Robeson County, and for the white race; to consolidate said school territory; to create Philadelphus Graded School District; to authorize the board of trustees of said Law amended.

graded school district to issue bonds and to levy an additional special tax," the same being House Bill number one thousand one hundred, Senate Bill number seven hundred and ninety-three, and which was ratified on February ....., one thousand nine hundred and thirteen, be and the same is hereby amended by striking out of section one of said act the boundaries of said Philadelphus Graded School District, as therein contained, and by inserting in lieu thereof the following boundaries for said Philadelphus Graded School District, to wit:

Boundary.

"Beginning at the Vardell place on the Red Springs Township line and runs about north to the run of Big Raft Swamp; thence down said swamp to J. T. Denny's upper line; thence as his line down said swamp to D. McC. Smith's (deceased) east corner; thence direct to the Atlantic Coast Line Railroad where W. S. McMillan's west line crosses said railroad; thence a south course to J. L. McMillan's north line of his 'Smith' place; thence as his southeast line to what is known as his 'Grainger' place; thence as the line of said place to Atlas Prevatt's line; thence as his line to the Lumberton Road; thence as said road to W. McK. Glover's lower line; thence with his line to the Eureka Road; thence with said road to the crossing on the old Lumberton Road; thence as the old Lumberton Road to the Alex McIntyre lower line; thence with his line to the Atlantic Coast Line Railroad; thence a direct line to A. T. McCallum's corner near Cain McNeill's place; thence along the northwest line of A. T. McCallum to and including the D. H. McNeill place; thence with D. H. McNeill's upper line direct and the run of Richland Swamp; thence southeast with the swamp to the bridge on the Lowrie Road; thence with the said road to the beginning at the Vardell place."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 326.

AN ACT TO ALLOW THE CITIZENS OF HENDERSONVILLE TO VOTE FOR BONDS TO PURCHASE A WATERSHED AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount.

Section 1. The board of aldermen of the city of Hendersonville shall have the right and power to issue bonds in the sum of seventy-five thousand dollars, under such rules and regulations and in such denominations as may be prescribed by said board of aldermen: *Provided*, said bonds shall not bear a greater rate of interest than six per cent per annum and shall not be issued to run longer than fifty years.

Proviso: interest and maturity.

Sec. 2. It shall be the duty of the said board of aldermen to sell said bonds, when they shall have been issued, and to turn the proceeds thereof to the city treasurer to be used for the purchase of a watershed and to pay for rights of way for the water and sewer lines for the water and sewer system belonging to said city, and for the purchase and laying of all pipes necessary to the same. Sale of bonds. Use of proceeds.

Sec. 3. Said bonds shall not be issued until there is an election held in said city by which the said board of aldermen are authorized to issue and sell the said bonds. Upon a petition being filed before the said board of aldermen signed by one-third of the qualified voters of said city, requesting an election to be called for the purpose of submitting to the qualified voters of said city the proposition as to whether or not the said bonds shall be issued, the said board of aldermen shall call said election under the rules and regulations herein prescribed. Election on bond issue. Petition for election. Order for election.

Sec. 4. In the call for said election the said board shall fix the time and place for holding the same, what amount of bonds, not exceeding seventy-five dollars, shall be voted, and for what purpose the proceeds thereof shall be used, which order shall be published by posters at the courthouse door, at the door of the city hall, and at four other public places in said city for a period of at least four weeks preceding said election, and may also, at the discretion of the board of aldermen of said city, be published in one or more newspapers published in said city for a like period preceding said election. Publication of call for election.

Sec. 5. At said election those who are in favor of bonds shall cast a ballot on which is either written or printed the words "For Bonds," and those who are opposed to the issuance of said bonds shall cast a ballot on which shall be either written or printed the words "Against Bonds"; and if a majority of the qualified voters of the said city shall cast a ballot on which is written or printed the words "For Bonds," then the registrar and judges of said election shall declare that the proposition to issue bonds is carried, and it shall be the duty of said board of aldermen to issue and sell said bonds, as herein prescribed; but if a majority of the qualified voters of said city fail to cast a ballot on which is written or printed the words "For Bonds," then it shall be the duty of said registrar and judges to declare that the proposition to issue the said bonds has failed to carry, in which event the said board of aldermen shall not have the right or power to issue or sell the said bonds. Ballots. Effect of election.

Sec. 6. The said election shall be held under the same rules and regulations, as near as may be, as is the election of the mayor and aldermen of said city, except as herein modified: *Provided*, that the said board of aldermen may, in their discretion, order an entirely new registration for said election. Law governing election. Proviso: new registration may be ordered.

Sec. 7. The board of aldermen of said city shall have a right to purchase and hold, for the use of said city, land to be used as a Right to purchase and hold lands.

watershed for the said city; also rights of way for its water and sewer lines, whether such watershed or rights of way be within the corporate limits of said city or not; and the said board of aldermen shall have full power and right to pass such rules and regulations as in their discretion may be necessary to protect the watershed and rights of way of the water and sewer line of said city, whether such watershed and rights of way be within or without the corporate limits of said city.

Protection of watershed and rights of way.

Power to condemn lands.

Sec. 8. When in order to secure pure water for the use of said city and its inhabitants, it becomes necessary or desirable for the said city to own or control the watershed from which the present supply of water is derived, or any watershed from which it may hereafter derive its supply of water, or to own a right of way over which any part of its water or sewer lines may now pass, or any right of way over which it may become necessary for the said city to build a water or sewer line, and the necessary land cannot be purchased at a reasonable price, the said board of aldermen shall have the right and power to file a petition before the clerk of the Superior Court setting forth all of the facts and asking that the said land or right of way be condemned for the use of the town in protecting and maintaining its water system.

Proceedings for condemnation.

Sec. 9. The condemnation proceedings before the clerk of the Superior Court shall be conducted, as near as may be, under the same rules and regulations as other special proceedings, except as may be herein modified. Upon the hearing of the petition, if no sufficient cause against granting the prayer of the petition, the clerk shall appoint three commissioners whose duty it shall be to view the premises, value the land, report the amount thereof necessary for the use of the city, or in case of water or sewer lines, estimate the damage to the land through which said line or lines may extend, and they shall make their report to the said clerk within thirty days from the date of their appointment.

Time for filing exceptions.

Sec. 10. If either party shall be dissatisfied with the report of the commissioners, such party may, within ten days from the filing of said report, file exceptions to the same with said clerk, setting out each ground of exception, which exceptions shall be heard by the said clerk, upon ten days notice of the hearing being given to each side, the city and the property-owner; and if either party be dissatisfied with the ruling of the clerk upon the exceptions filed, such party may appeal to the Superior Court at term-time, when and where the whole matter shall be heard *de novo*.

Hearing on exceptions.

Right of appeal.

Judgment and payment to vest title in city.

Sec. 11. When final judgment shall be entered in the proceedings herein provided for, and the city shall have paid into the office of the clerk of the Superior Court for the benefit of the party whose land may be condemned, or over whose land a right of way may be condemned, the amount assessed against the said city for such party, then the said city shall be seized of said land or right of way as fully and to the same extent as if the said party had

made the said city a deed in fee simple for such land or right of way, whether the said land or right of way lies within the corporate limits of said town or not.

Sec. 12. All laws in conflict with this act are hereby repealed.

Sec. 13. This act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 327.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HAMLET.

The General Assembly of North Carolina do enact:

That chapter fourteen, Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, and acts amendatory thereof, be amended to read as follows:

Section 1. That the town of Hamlet in the county of Richmond be and is hereby incorporated under the name and style of "The Town of Hamlet," and the said town shall be subject to the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five not inconsistent with this act. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of the said town shall be and include all the territory embraced within a circle the center of which is the place upon which was located the passenger depot of the Seaboard Air Line Railway when the town of Hamlet was originally incorporated in the year one thousand eight hundred and ninety-seven, and the radius of which is three-fourths of a mile. Corporate limits.

Sec. 3. The officers of the said town shall consist of a mayor, five commissioners, a chief of police, a city clerk and treasurer, a city attorney, and five school commissioners, and as many other officers and policemen as may be necessary for the preserving the peace and good order of the town. The present officers shall serve in their positions until their successors are elected and qualified. Town officers. Term of present officers.

Sec. 4. That no person shall be eligible to the office of mayor or commissioner or school commissioner of said town unless he be a duly qualified voter therein. That any other officer of said town or any officers that may be appointed to any position need not be a citizen of said town. The term of the mayor and commissioners and any other elective officer shall begin on the Tuesday following the town election, and before entering upon the discharge of the duties of said office they shall each take the oath prescribed by law for public officials before some justice of the peace for said county. That all the officers of the town shall be appointed by the commissioners, and the terms of their office shall Persons eligible to office. Beginning of terms. Officers to be sworn. Terms of appointive officers.

Salaries. be at the pleasure of the commissioners. That the salary of the officers appointed by the commissioners shall be fixed by the commissioners. The salary of the mayor shall be fixed by the commissioners, but shall not exceed the sum of two hundred dollars per year.

Town elections. Sec. 5. That the time of the election for mayor and commissioners, and for all other officers who shall be elected for the said town, shall conform to the time and under the rules and regulations of the general laws of the State of North Carolina regulating elections in cities and towns.

Mayor to preside at meetings. Special meetings. Sec. 6. That the mayor shall preside at all meetings of the commissioners, and shall have the power to call special meetings of the commissioners when he may deem proper. The commissioners shall elect a mayor *pro tem.*, who shall be one of their number. The mayor *pro tem.* shall preside in the absence of the mayor, and shall perform all the duties of the mayor during the absence or disability of the mayor. The mayor shall perform all such duties as are required of mayors by the general laws of the State of North Carolina, and in addition thereto shall see that the criminal ordinances of the town are enforced. The criminal jurisdiction of the mayor shall extend one mile in each direction from the corporate limits of said town as fully as within the corporate limits, and shall be the same jurisdiction as that of a justice of the peace in criminal actions.

Mayor pro tem.

Duties of mayor.

Criminal jurisdiction.

Powers of commissioners as to streets. Sec. 7. That in addition to the powers conferred upon the commissioners by chapter seventy-three of the Revisal of one thousand nine hundred and five, they shall have power to open, change, enlarge, or discontinue streets in said town, and may condemn land for this purpose, upon making just compensation to the owner thereof; that in case the said commissioners shall decide to condemn any land for this purpose, they shall appoint three disinterested freeholders in said town, who shall view said land to be condemned, and after giving the owner thereof notice of five days to appear before them and contest the matter, if they so elect, they shall, if they deem the land necessary for said purpose, assess the damage at whatever they think just, which sum shall be paid by the said town, and the owner or owners of the land shall have the right to appeal to the Superior Court of Richmond County from the assessment of the appraisers; said notice shall be given within ten days.

Power to condemn streets.

Procedure for condemnation.

Right of appeal.

Taxing power. Limit of rate. Sec. 8. The commissioners shall have the power to levy taxes upon real and personal property and polls in said town. The property tax shall not exceed one dollar and thirty cents on the one hundred dollars and the polls not to exceed three dollars and ninety cents. The taxes shall be listed at such a time and in such a manner as is prescribed by the general laws of the State of North Carolina. The commissioners shall appoint some suitable person as tax lister, and the said tax lister shall have full

Listing taxes.

Appointment and authority of tax lister.

power and authority to list taxes as is given by the general laws of the State of North Carolina to tax listers for counties and towns. Said tax list shall be a lien on real property in said town, and all personal property shall be liable to seizure upon ten days notice. The commissioners shall have the power to appoint a tax collector who shall have full authority to collect said taxes as is given by the general laws of the State of North Carolina. That all persons who are liable for poll taxes in said town and who shall willfully fail to give themselves in, and all persons who own property and shall willfully fail to list the same within the time allowed by law as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars or imprisoned, if the said fine is not paid, for not more than ten days in the common jail of Richmond County. The commissioners shall have full power and authority to levy and collect privilege taxes on all privileges, trades, and professions not prohibited by the general laws of the State of North Carolina. All privilege taxes shall be due and payable on the first day of June of each year. All persons, firms, or corporations liable for such privilege tax, and failing to pay same on or before the fifteenth day of the month in which they are due, shall be guilty of a misdemeanor, and upon conviction may be fined not exceeding twenty-five dollars, and upon failure to pay said fine may be imprisoned in the common jail of Richmond County for a period not exceeding ten days. All other taxes authorized to be levied and collected shall be due on the first day of September in each and every year. If same is not paid on or before the first day of January following, the commissioners shall charge the following penalties, to wit: For taxes paid during the month of January, one per cent; February, two per cent; and for each additional month or fraction thereof, a penalty of one per cent shall be charged and collected: *Provided, however,* that nothing in this section shall prevent the collection of any taxes by legal action as otherwise provided.

Lien of tax list.

Appointment and authority of tax collector.

Failure to list polls misdemeanor.

Punishment.

License taxes.

Failure to pay license tax misdemeanor.

Punishment.

Taxes due.

Penalties for nonpayment.

Proviso: collection by legal action.

Sec. 9. The commissioners shall have full power to pass ordinances to be enforced by suitable penalties for the preservation of peace and the regulation of good order in said town. All police officers shall have the same power and authority within one mile of the corporate limits of the said town as they have within the corporate limits of said town.

Power to pass ordinances.

Police powers.

Sec. 10. The clerk and treasurer, tax collector, chief of police, and any other officers of the said town as the commissioners may designate, shall give a bond in the sum to be fixed by the commissioners, with good and sufficient surety payable to the State of North Carolina and the town of Hamlet, conditioned upon the faithful performance of the duties of their respective offices and for the proper accounting for all moneys which may come into their hands by reason or under color of their respective offices.

Bonds of officers.

Application of general laws.

Sec. 11. The general laws of the State of North Carolina relative to prohibition and all other laws and ordinances for the preservation of peace and the regulation of good government of said town, not especially mentioned herein, shall be in as full force and effect as if they were especially mentioned herein.

Appropriations to public schools.

Sec. 12. The commissioners of the said town shall have full power to appropriate to the use of the public schools of the said town so much of the revenue derived from any of the taxes levied and collected as provided herein as they may deem proper. The commissioners shall have a right to appropriate so much of said taxes for the necessary expenses of any department of said town, including streets, jail, lighting, sewerage, and any other necessary department for the maintenance of peace, health, and good government of the said town.

Appropriations for departments.

Franchises not granted but by vote of people.

Sec. 13. That no franchise shall be granted by the commissioners until the question has been submitted, at a general election or special election, to the qualified voters of the said town, and until a majority of those voting upon the proposition have voted in favor of the granting of the said franchise. All persons, firms, or corporations desiring such franchise shall deposit with the city clerk and treasurer before the calling of the said election sufficient funds to defray the expenses of the same. All franchises so granted shall be for a period not exceeding fifty years, and shall contain a provision that the franchise may be forfeited upon the violation of the terms and conditions of the same.

Deposit for expenses of election.

Limit and condition of franchises.

Sewerage.

Sec. 14. The commissioners shall have the power to construct and operate a system of sewerage in said town and protect and regulate the same. They may fix such charges for connection with the same as is necessary to maintain the system, and to provide the proper sinking fund to pay the debt on the same. If it should be necessary to condemn any right of way for any outlet for said sewerage, the commissioners shall have the same right without the city limits as within same as is granted herein to condemn land within the city limits for streets. The commissioners may require the owners of all improved property which may be located upon or near any line of the said sewer to connect with said sewerage all water-closets, bathtubs, lavatories, sinks or drains upon their respective premises, so that their connections may be made to empty in said sewers. The commissioners may by ordinance provide for the removal by wagons or carts of all garbage, trash, or other like substance from said town. The commissioners may contract with private parties for the removal of the same from any residence or other lot in said town, and may provide reasonable charges for the same. When any sewerage system is established the commissioners may order the use of any surface closets discontinued, and pass such rules and regulations and to provide for such penalties as will be necessary to prevent violation of the same.

Charges for connection.
Sinking fund for debt.
Right of condemnation.

Compulsion of sewer connections.

Sanitary ordinances.

Prohibition of surface privies.

Sec. 15. The commissioners may order the owner of any lot on any street in said town to pave, in such a manner and with such material as the commissioners direct, the sidewalks in front of said lot: *Provided, however*, that before said order is made the commissioners must be petitioned by the owners of at least fifty-one per cent of the abutting land on any sidewalk to be so paved. Should the proper petition be presented and the commissioners order the sidewalk so paved, and any owner of the property to be so paved neglect or refuse to so pave, the commissioners may pave such sidewalks and charge the same to the abutting property-owner to be collected as taxes, and such charge shall have full force and effect and may be a lien on said property as fully as any taxes may have on said property. Orders for improvement of sidewalks. Proviso: petition for order. Work done by town at expense of owner. Lien on lots for charges.

Sec. 16. The school commissioners shall have full control of the public schools of said town, subject, however, to limitations as to cost of operating said schools to such sums as the commissioners shall appropriate. They shall have authority to elect a chairman, and shall fill any vacancy which may occur in the membership; any person so appointed to any vacancy shall hold office until the next election. The school commissioners shall have authority to elect the superintendent and teachers of the said schools, and in every way conduct the management of the same. School commissioners to control schools. To elect chairman and fill vacancies. Superintendent and teachers.

Sec. 17. The commissioners shall have the authority to own, buy, or accept the gifts of parks and public places of amusement, whether the same is located within or without the limits of the said town. They shall have authority to build and maintain streets to and through the said parks without the town limits as within, and shall have the same authority to condemn land for streets without the town limits as within, leading from any street in the said town to said park or parks: *Provided, however*, that the said land offered for parks or the streets leading to the said park or parks shall not be more than two miles from the city limits of the said town. Parks and public places. Streets in parks. Proviso: location of parks.

Sec. 18. This act shall be in force from and after its ratification. All laws or parts of laws in conflict or inconsistent with this act are hereby repealed.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 328.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF MOREHEAD CITY, CARTERET COUNTY, NORTH CAROLINA.

Whereas, by virtue of chapter two hundred and sixty-two of the Private Laws of one thousand nine hundred and five, an election was held in the Morehead City Graded School District Preamble: election in favor of schools.

on the twenty-ninth day of May, one thousand nine hundred and eight, at which election it appeared that there were three hundred and thirteen registered voters, and that two hundred and twenty-two votes were cast "For Schools" and twenty-five votes were cast "Against Schools"; and whereas, in pursuance of said election, the board of graded school trustees borrowed about six thousand dollars for the purpose of erecting buildings and purchasing equipment in accordance with the provisions of said chapter two hundred and sixty-two, Private Laws of one thousand nine hundred and five; and whereas, before the bonds authorized by said act could be sold, it was discovered that in the passage of said act all the requirements of article two, section fourteen, of the Constitution of North Carolina were not observed: Now, therefore,

Preamble: debt for building and equipment.

Preamble: defect in passage of law.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and sixty-two of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by striking out section eight thereof and inserting the following, to be known as section eight:

"Sec. 8. That before the provisions of this act shall become operative, there shall be submitted to a vote of the qualified voters of said school district, at an election to be held at the next general election for municipal offices in Morehead City on Tuesday after the first Monday in May in the year one thousand nine hundred and thirteen, the question whether said bonds shall be issued and said particular tax be levied. That the board of commissioners of the town of Morehead City shall cause notice of said election, containing a copy of sections two and six of this act, or a synopsis thereof, to be published in some newspaper published in Carteret County, for a period of thirty days prior thereto, if there be a newspaper published in said county; otherwise to be published in four public places in said town; and in all other respects said election shall be held and conducted under the provisions of the law regulating municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section two, and the levying and collection of particular taxes provided for in section six of this act, shall deposit a ballot containing the printed or written words, "For Schools"; those disapproving the same shall deposit a printed or written ballot containing the words "Against Schools." If a majority of the qualified voters of said district shall vote for schools, the said board of trustees shall have the authority and power to issue said bonds, and the said board of commissioners shall have authority and power and shall levy the particular tax provided for in section six. But if a majority of the qualified voters shall vote against schools, then said board of trustees and the board of commissioners shall not have said authority. The result of said elec-

Act submitted to election.

Time for election.

Notice of election.

Law governing election.

Ballots.

Effect of election.

Record of election.

tion, duly ascertained in accordance with the law, shall be enrolled among the public records of Morehead City; and after thirty days from date of the election shall not be open to attack, but shall be held and deemed conclusive evidence of the truths and facts therein recited."

Use of proceeds of bonds.

Sec. 2. That section three of said act be amended by striking out the words "and for no other purpose," in the last line of said section, and inserting in lieu thereof the words, "and for the payment of any debts owing on account of buildings heretofore erected and equipment heretofore purchased."

Law reënacted.

Sec. 3. That as amended by this act the said chapter two hundred and sixty-two of the Private Laws of one thousand nine hundred and five and each and every section thereof be and the same is hereby reënacted, and the authorities of Morehead City and the Morehead City Graded School District are authorized to proceed under said act to hold an election and levy taxes and issue bonds and exercise all the rights, powers, and privileges granted and conferred by said act as fully as if no election had heretofore been held.

Powers of town and school authorities confirmed.

Sec. 4. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 329.

AN ACT TO AMEND CHAPTER 328, PRIVATE LAWS OF 1911, RELATING TO SMITHFIELD GRADED SCHOOL DISTRICT IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Annex "B."

Section 1. That section ten, Annex "B," of chapter three hundred and twenty-eight of Private Laws of one thousand nine hundred and eleven, relating to Smithfield Graded School District in Johnston County, be and the same is hereby amended so as to make the said Annex "B" read as follows: "Beginning on Swift Creek where the Raleigh and Smithfield Road crosses said creek, runs thence with said road to the western boundary of the lands of J. S. Ogburn; thence with the western line of said J. S. Ogburn's land to A. J. Whitley's line; thence south with said A. J. Whitley's line to the line of Wright Hood's heirs; thence east with said line to Swift Creek."

Annex "E."

Sec. 2. That the following be added to said section ten of said chapter three hundred and twenty-eight, Annex "E": Beginning at a point on the "old depot" road leading from Smithfield to Selma where said road crosses Buffalo, and runs thence with said road to J. B. Smith's southern line; thence with said Smith's line westerly to Neuse River; thence down said river to the mouth of Buffalo."

Law governing territory.

Sec. 3. That all the provisions of this act shall come within the purview of chapter three hundred and twenty-eight, Private Laws of one thousand nine hundred and eleven, and shall be as binding and valid as if originally embraced in said act.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 330.

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Denominations.

Amount.

Proviso: maturity.

Section 1. That the board of aldermen of the city of Charlotte is hereby authorized and empowered to issue bonds in the name of the city of Charlotte, in such denominations and forms as it may determine, to an amount not exceeding one hundred thousand dollars, payable at such times and places as may be determined by said board of aldermen: *Provided*, that the time of the payment of the principal of such bonds shall not be less than twenty nor more than thirty years from the date thereof.

Interest.

Sale below par forbidden.

Sec. 2. That said bonds shall bear interest at no greater rate than four and one-half per centum per annum, and that the interest shall be made payable semiannually; and in no case shall said bonds be sold, hypothecated, or otherwise disposed of for less than their par value.

Authentication.

Purchasers not responsible for application. Exemption from city tax.

Sale of bonds.

Sec. 3. That said bonds shall be signed by the mayor, attested by the city clerk and treasurer, and sealed with the corporate seal of the city of Charlotte, and shall have interest coupons attached thereto, which coupons shall bear the engraved or lithographed signature of the city clerk and treasurer of the city of Charlotte. The purchaser of said bonds shall not be bound to see to the application of the purchase money. Said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of city taxes; the said bonds shall be sold at either public or private sale, with or without notice, as the board of aldermen may determine.

Purpose of bond issue.

Entitlement of bonds.

Sec. 4. That said bonds shall be issued for the purpose of paying the said city's portion of improvements to streets in said city, in accordance with an act of the General Assembly of North Carolina entitled "An act to amend the charter of the city of Charlotte," ratified the third day of March, one thousand nine hundred and eleven; such bonds shall be known as "Street Improvement Bonds."

Special tax.

Sec. 5. That the board of aldermen of the city of Charlotte is hereby authorized to levy and collect each year, in addition to all other taxes in said city, an *ad valorem* tax upon all the taxable property in said city, sufficient to pay the interest on said bonds as the same becomes due, and also at or before the time when the principal of the said bonds becomes due a further *ad valorem* tax upon all taxable property in said city, sufficient to pay the same or to provide for the payment thereof; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected upon property in said city: *Provided*, that the taxes collected under this act for the payment of said bonds and coupons shall be used for no other purpose; and it shall be the duty of the city clerk and treasurer of the city of Charlotte, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the board of aldermen the numbers and amounts of the coupons so canceled.

Levy and collection of tax.

Proviso: specific appropriation.

Semiannual reports of treasurer.

Act to be submitted to voters. Date for election.

Sec. 6. That the provisions of the act shall be submitted to a vote of the qualified voters of the city of Charlotte on the first Tuesday after the first Monday in May, A. D. one thousand nine hundred and thirteen, under the rules and regulations prescribed for the election of the mayor and members of the board of aldermen, or other officers of said city; the said board of aldermen, or other officers, shall cause a notice of said election and the purpose of same to be published in some newspaper of said city for thirty days before said election, and the clerk of the Superior Court of Mecklenburg County shall cause to be prepared and distributed at the various polling places in the said city a sufficient number of printed ballots favoring the provisions of this act, and a like number against the same; the board of aldermen shall cause to be prepared and delivered at each polling place in the said city a ballot box indicating the purpose of the bond issue to be voted therein, as follows, "Street Improvement Bonds." All qualified voters wishing to vote in favor of the issuing of said bonds and levying the taxes herein provided for shall vote a written or printed ticket with the words "Street Improvement Bonds," and those wishing to vote against issuing said bonds and the levying of the taxes herein provided for shall vote a ticket with the words, written or printed thereon, "Against Street Improvement Bonds." If a majority of said qualified voters shall vote "Street Improvement Bonds" on the proposition submitted for the issuing bonds for the purpose aforesaid, then it shall be deemed and held that the proposition receiving a majority of such votes is favored and approved by the majority of the qualified voters of the city of Charlotte, and the board of aldermen shall cause bonds to be prepared and issued for the purpose so approved of by a majority of the qualified voters of the city of Charlotte, and levy a tax in accordance with the provisions of this act.

Law governing election.

Notice of election.

Ballots.

Ballot boxes.

Votes.

Effect of election.

Registration.

Sec. 7. That the registration for the election shall be the same as that which is or may be provided for the election of the mayor and other officers of the city of Charlotte; the board of aldermen shall provide for such registration and polling places and such advertisement of the same as they deem advisable.

Polling places and advertisement.

Sec. 8. That all laws and clauses of laws in conflict with this act shall be and are hereby repealed.

Sec. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 331.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOBGOOD AND TO CHANGE ITS BOUNDARIES.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and eleven of the Private Laws of one thousand eight hundred and ninety-nine, amendatory of chapter one hundred and sixty of the Laws of one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out of section one of said chapter three hundred and eleven all after the word "boundaries," in line three thereof, and inserting in lieu thereof the following: "Beginning on the Norfolk and Carolina Railroad at south corner of section-house lot, thence running at right angles with said railroad to Gatling's line, thence along said Gatling's line to the academy lot, thence along the back line of said academy lot to Oak Street, thence along Oak Street to Ruffin James line, thence along said Ruffin James line to Long's chapel, thence along the Austin Shields' line to the water tank on the Atlantic Coast Line Railroad, thence at right angles from said water tank to Pine Street, thence along Pine Street to Seventh Street, thence along Seventh Street to said section-house lot, thence around said section-house lot to the beginning."

Corporate limits.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 332.

AN ACT TO CREATE THE CITY OF HENDERSON AND TO PRESCRIBE A CHARTER THEREFOR.

The General Assembly of North Carolina do enact:

CITY CREATED.

Section 1. The inhabitants of the town of Henderson shall continue to be a body politic and corporate by the name of the city of Henderson. Such change of name shall not affect any act or thing heretofore suffered or done by such corporation, nor impair any property, right, power, duty, privilege, contract, obligation, relation, or liability, civil or criminal, which may now exist, nor invalidate any ordinance, rule or regulation of said corporation. As such city it shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations provided for herein, or otherwise pertaining to municipal corporations, so far as the same shall not be altered by this act or acts amendatory hereof.

Incorporation.
Corporate name.
Rights and obligations not impaired nor ordinances invalidated.
Corporate rights.

BOUNDARIES.

Sec. 2. The boundaries of the city shall include all the territory embraced within twelve hundred yards in every direction from the center of the intersection of Garnett and Montgomery streets and shall be divided into four wards. All that territory lying north of Garnett Street and east of Montgomery Street shall be the First Ward; all north of Garnett Street and west of Montgomery Street shall be the Second Ward; all south of Garnett Street and west of Montgomery Street shall be the Third Ward, and all south of Garnett Street and east of Montgomery Street shall be the Fourth Ward.

Boundaries.
First ward.
Second ward.
Third ward.
Fourth ward.

ELECTIVE OFFICERS.

Sec. 3. The elective officers of the city shall consist of a mayor, who shall be elected on the first Tuesday in May, one thousand nine hundred and thirteen, and biennially thereafter, by the qualified voters of the whole city, and two aldermen from each ward, whose term of office shall be two years, one to be elected on the first Tuesday in May of each year by the qualified voters of their respective wards. Such elections shall be held conformably to the general law of North Carolina governing municipal elections; and the term of office of such mayor and aldermen shall commence at four o'clock in the afternoon on the first Monday in June following their election. The town commissioners now in office, and appointees to fill any vacancy in such office, shall hold over as aldermen until the expiration of the term for which they are elected and provide for the election of their successors as

Election and term of mayor.
Election and term of aldermen.
Law governing elections.
Beginning of term.

Qualified voters eligible.
Vacancies declared.
Vacancies filled.

heretofore. Only qualified voters of the State and the city shall be eligible to such offices. A vacancy shall exist when an elective officer shall fail, without good cause, to qualify within sixty days after his election; shall die, resign, remove from the city, absent himself continually therefrom for sixty days; is convicted or submits to a charge of felony; is judicially declared a lunatic, or is removed for cause. Every such vacancy shall be filled by the city council in regular or special session.

CITY COUNCIL.

Legislative body.
Control and direction of affairs.
Election and qualification of members.
Regular meetings.
Special meetings.
Quorum.
Fine for absence from regular meeting.
Collection of fine.
Fine for absence from special meeting.
Fine for disorderly or contemptuous conduct.
Removal for cause.
Right of appeal.
Sessions open.
Journal.

Sec. 4. The city council, composed of the mayor and aldermen, shall be the legislative body of the city, vested with the government, control and direction of all its fiscal, prudential, and municipal affairs. The council shall be judge of the election and qualification of its members; prescribe the time and place of its meetings, which shall be held at least once every month; the manner in which special meetings shall be called, and determine its own rules of order and procedure except as otherwise herein provided. A majority of the council shall constitute a quorum, but a less number may organize temporarily, compel the attendance of absentees, and adjourn from time to time. If the mayor or any alderman shall be absent from any regular meeting of the city council the city clerk shall enter upon the minutes of the meeting a fine of five dollars against such absentee, which shall become absolute unless within sixty days the same shall be remitted by the city council for good cause shown and entered upon the minutes. When such fine shall become absolute the city clerk shall issue a statement thereof in the form of an execution to the chief of police, who shall collect and pay the same into the city treasury. A fine of two dollars shall in like manner be entered and collected for absence from a special meeting. It may punish its members and all other attendants upon its meetings for disorderly or contemptuous conduct, and, with the concurrence of a majority of the whole council, remove any member from his office for gross immorality, misconduct, or corruption in office, and for incompetency, upon a full and fair hearing of charges filed for that purpose. Any mayor or alderman so removed shall have the right of appeal to the Superior Court of Vance County, and pending such appeal shall be suspended from duty without pay. The city council shall sit with open doors at all legislative sessions, and shall keep a journal of its proceedings, which shall be a public record.

APPOINTIVE OFFICERS.

Officers elected by city council.

Sec. 5. The city council shall at its first meeting after election, or as soon as practicable thereafter, and subsequently as vacancies may occur, elect a mayor *pro tem.* from their number, a city clerk, and any other officers deemed necessary to the proper and efficient conduct of the affairs of the city, whose election and term of office

shall be provided for by ordinance, and who shall be subject to such regulations and receive such compensation as the city council may prescribe, and may be removed for cause. The council may also engage and fix the duties and compensation of a city attorney. City attorney.

POWERS AND DUTIES OF THE MAYOR.

Sec. 6. The mayor shall be the chief executive officer of the city, supervisor of administration and president of the city council, and shall preside at all meetings at which he is present. He shall keep his office in some convenient place provided by the city council, keep the seal of the city, and do and perform such other duties than are here prescribed as may be imposed by the city council. Chief executive officer, supervisor of administration, president of council. Office.

(*a*) He shall see that the laws of the State, the provisions of this act, and the ordinances, resolutions, orders, and regulations of the city are duly enforced. Enforcement of laws.

(*b*) He shall sign all contracts, bonds, or other instruments requiring the assent of the city, and shall take care that the provisions of the same are duly executed. All legal processes against the city shall be served upon the mayor or acting mayor. Execution of instruments. Service of process.

(*c*) He shall have the right to vote on all questions coming before the city council, to break a tie, but not otherwise. Vote in breaking ties.

(*d*) He shall have such other duties, rights and powers as may be provided by ordinance, not in conflict with this act. Other rights, duties, and powers.

(*e*) During the absence or inability of the mayor to act, the mayor *pro tem.* shall, as acting mayor, assume the duties and exercise all the rights and powers of the mayor: *Provided*, that, in the absence or inability so to act of the mayor *pro tem.*, the city council may select another from their number to perform the duties of acting mayor. The mayor shall have the power, in the event of any riot, public disturbance or excitement threatening the peace of the city, to issue his proclamation prohibiting the sale or distribution of intoxicating liquors, or of any weapon or ammunition, the gift, sale or distribution of any incendiary literature, and all public gatherings or speeches intended or calculated to produce disorder or breach of the peace, in any part of the territory embraced within the police jurisdiction of the city, during a period to be named therein not exceeding five days, which may be extended from time to time as the emergency may require. Any person violating such order shall be guilty of a misdemeanor. Mayor pro tem. Proviso: selection by aldermen. Powers in emergencies. Violation of orders misdemeanor.

EXECUTIVE AND ADMINISTRATIVE DIVISIONS.

Sec. 7. The executive and administrative powers, authority, and duties of the city shall be distributed among five divisions, as follows: Distribution of powers and duties.

I. Administration.	Administration.
II. Finance.	Finance.
III. Health.	Health.
IV. Public Works.	Public works.
V. Property.	Property.

Council to determine policies and allotment of work.

The city council shall determine the policies to be pursued and the work to be undertaken in each division, but each supervisor shall have full power to carry out the policies or to have the work performed in his division as directed by the city council.

ADMINISTRATION.

Mayor chief executive. Enumeration of powers and duties.

(*a*) The mayor shall be *ex officio* supervisor of the administration and the chief executive officer of the city. He shall have supervision of the police and fire departments, of weights and measures, of any other city business not otherwise provided for in this act or by ordinance, and shall have the further powers and discharge the further duties elsewhere in this act assigned to him. His part of the city administration, so far as it differs from that of the other supervisors, shall be included under the designation of the Division of Administration.

FINANCE.

Enumeration of duties of supervisor of finance.

(*b*) The Supervisor of Finance shall have supervision over the estimates of the probable expenditures of the city government for each fiscal year; over the collection of all revenues of the city; over the several city sinking funds; over the purchase of all city supplies; over all city printing; and in general over all financial affairs of the city for which provision is not otherwise made herein.

HEALTH.

Enumeration of duties of supervisor of health.

(*c*) The Supervisor of Health shall have supervision over public health, city hospitals, care of the poor, inspection of milk, foods, and vinegar, inspection of animals, collection of garbage and ashes, and the work of the city physician.

PUBLIC WORKS.

Enumeration of duties of supervisor of public works.

(*d*) The Supervisor of Public Works shall have supervision of streets, sidewalks, parks, street lighting, street watering, public water supply, sewers, bridges, electrical affairs, inspection of wires, and engineering.

PUBLIC PROPERTY.

Enumeration of duties of supervisor of public property.

(*e*) The Supervisor of Public Property shall have supervision of the inspection, construction, and maintenance of public buildings, of building laws, and the inspection of buildings and of cemeteries.

REDISTRIBUTION OF DUTIES AMONG DIVISIONS.

Duties assigned by council.

Changes in assignments.

(*f*) All executive and administrative powers, authority and duties not otherwise provided for in this act may be assigned to a suitable division by the city council by ordinance, and changes in the assignments made in this act may be made by ordinance by the affirmative vote of the city council.

POWER OF APPOINTMENT AND REMOVAL.

(*g*) Subject to such regulations as may be prescribed by the city council, the employees in each department shall be appointed and removed by the head of that department. Nothing in this section shall in any way change the laws governing the civil service, if such laws be enacted by the city council.

Employees in each department.

Civil service laws.

RECORDS AND REPORTS.

(*h*) Each of said supervisors shall keep a record book in which shall be recorded a brief but clear and comprehensive record of all affairs of the division under his charge as soon as performed, and shall quarterly render to the city council a full report of all operations of such division, and shall annually, and oftener if required by the city council, make a synopsis thereof for publication. All such records shall be open for public inspection. The city council shall provide for the publication of such annual or other reports and of such parts of the quarterly reports or of such other information regarding city affairs as it may deem advisable.

Supervisors to keep records.

Quarterly reports.

Annual publication of reports.

Records open for inspection.

Publications.

FISCAL YEAR DEFINED.

(*i*) The fiscal year of the city shall commence on the first Monday in September succeeding the general municipal election, and continue until the first Monday in September of the calendar year following.

Fiscal year.

ESTIMATES.

(*j*) On or before the fifteenth day of July of each year the supervisors shall send to the Supervisor of Finance a careful detailed estimate in writing of the appropriations required for the business and proper conduct of their respective divisions during the next ensuing fiscal year.

Supervisors to submit estimates.

COUNCIL MAKES APPROPRIATIONS AND FIXES TAX LEVY.

(*k*) At the regular meeting in August in each year the Supervisor of Finance shall submit to the city council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the city, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from all other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the city. The city council shall thereupon determine the sum to be raised by taxation and make the appropriations in detail for the next ensuing fiscal year, but shall not be thereby prevented from making emergency or deficiency appropriations as necessity may require. No sum appropriated for a specific pur-

Estimate submitted to city council.

Items stated in estimate.

Tax estimate and appropriations.

Emergency appropriations.

Diversion of funds forbidden.

pose shall be expended for any other purpose unless specially authorized by vote of the city council; nor shall any expenditure be made or liability incurred by or in behalf of the city until an appropriation has been duly voted by the city council to meet the same.

Expenditure or liability without appropriation forbidden.

Powers of taxation.

Sec. 8. Within its corporate limits the city shall have the same powers of taxation as are possessed by the State under article five, section three, of the Constitution, so far as the same shall be permitted by the revenue law of North Carolina. *Ad valorem* taxes shall not exceed a rate of one per centum upon each hundred dollars, and capitation taxes shall not exceed three dollars upon each poll (except for special purposes as hereinafter provided). The city council may relieve poor and infirm persons from capitation taxes, and, so far as permitted by the Constitution, reduce all capitation taxes below the ratio observed by the State between such tax and property taxes, or abolish the same altogether, except for special taxes to meet bond issues and interest thereon. All property and polls shall be listed at the time and in the manner required for State and county taxation, and the city may make all needful ordinances and regulations prescribing the details of listing and assessing the same and collecting the taxes thereon by sale or otherwise and for imposing and collecting license or privilege taxes. Present regulations shall remain in force until supplemented or superseded by other ordinances or regulations of the city. The city shall have, exercise, and enforce the same rights and liens in respect of property within its limits upon or against which taxes shall be levied or assessed as are now possessed or may hereafter be given to the State and county. Sales of personal property to pay taxes may be made at any time after the taxes shall become due, under regulations prescribed by the city council, but sales of land shall only be made at the time provided for sales for the payment of State and county taxes. For the purpose of *ad valorem* taxation, the assessment of railroad property shall be made as now provided by law. In the apportionment of such assessment to the city of Henderson the Corporation Commission shall combine the mileage of main tracks with that of all sidings and spur tracks within the city as the total mileage upon which the assessment shall be made and certified to the city.

Limit of rate.

Power to exempt from or reduce poll tax.

Listing taxes.

Regulations to remain in force.

Lien on property for taxes.

Sales of personal property for tax.

Sales of land.

Assessment of railroad companies.

Mileage.

Right to contract debts.

Sec. 9. The city shall not, except as hereinafter provided, incur any indebtedness in excess of the current tax levy, but may issue revenue bonds or certificates of indebtedness in anticipation of the collection of current revenues, which shall be provided for and payable out of the taxes against which they are issued, and shall never exceed the amount of such anticipated taxes. The credit of the city shall not in any manner be given or loaned to or in aid of any individual, association, or corporation, except in aid of its poor, or upon a vote of the qualified voters of the town in

Giving or lending credit of city forbidden.

Exceptions.

cases expressly authorized by the General Assembly. Whenever the city may desire to raise money for municipal purposes and to pledge its credit therefor in an amount greater than can be provided by the ordinary levy of taxes, the city council may provide for a bond issue by an ordinance, which shall state the purpose, amount, terms, maximum rate of interest and duration of the loan. Ordinance for bond issue.

The proposition shall then be submitted to the qualified voters of the city at the next regular election of city officers, or, three-fourths of the city council concurring, at a special election held under the rules and regulations prescribed for regular elections. Proposition submitted to voters.

Thirty days notice of such election shall be given in some newspaper published in the city, at the courthouse door of Vance County, and at the mayor's office. Notice of election.

If a majority of the qualified voters shall vote in favor of such bonds, then the city council may provide for the sale and issue thereof in bulk or installments as the money may be needed, for not less than their par value and accrued interest on such as may be issued after the date of their execution; but the aggregate of all bonds issued under this section shall not exceed ten per centum of the assessed value of all taxable property within the city, and all bonds so issued in excess of such limit shall be void. Bond issue by majority of qualified voters. Issue and sale of bonds. Limit of amount.

If any person shall use any portion of such bonds or the proceeds thereof for a purpose other than that stated in the ordinance providing therefor, he shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court. Diversion of bonds or proceeds misdemeanor. Punishment.

It shall be the duty of the city council to levy a special tax annually, as other taxes are levied, to raise a sum sufficient to pay the interest on the bonds and to create a sinking fund sufficient to pay the principal thereof at maturity. Special tax.

The present sinking fund commissioners and the board of internal improvements are hereby discontinued, and the city shall succeed to all powers conferred upon such commissioners and board, and the city council shall appoint three sinking fund commissioners, whose first terms of office shall be one, two, and three years, respectively, and thereafter three years. Such commissioners shall have direction and control of all funds raised by taxation or otherwise to pay the principal or interest of any bonded indebtedness of the city, whether now existing or hereafter created. Sinking fund commission and board of internal improvements abolished. Appointment and terms of sinking fund commissioners. Control of sinking fund.

It shall be the duty of such commission to see that proper accounts are kept in the city treasury of all funds raised by the city on account of its bonded indebtedness, each fund being kept and administered separately. Accounts.

It shall make safe and prudent investments of all such funds in interest-bearing securities and may pay off and take up any bonds of the city out of funds applicable to their payment at a price not exceeding their face value, and purchase and hold as an investment any bonds of the city at not exceeding their face value. Investments.

It shall make orders upon the treasury for the payment of interest, for the purchase or payment of bonds, and for the payment of money on other Orders for payment of money.

Detailed reports. investments. It shall make annual detailed reports of all the bonded indebtedness of the city and the funds and assets applicable thereto, to the Supervisor of Finance. All bonds paid off and all interest coupons shall be duly canceled at the time of payment and held in the treasury until the regular annual report to the city council in September, when the same shall be burned and record thereof made on the books of the city council and of the sinking fund commissioners. All securities belonging to the sinking fund shall be held in the city treasury and reported and exhibited in connection with the annual report.

Cancellation and destruction of paid bonds and coupons.

Safe-keeping and reports of sinking fund.

ACCOUNTS AND PROPERTY.

Accounts kept by city clerk. Sec. 10. Books of account shall be kept with every department of the city by the city clerk, under the direction of the Supervisor of Finance, and report shall be made annually to the city council at its September meeting, which shall contain an accurate statement, in summarized form and also in detail, of the financial receipts of the city from all sources and of its expenditures for all purposes. Such report shall also include a statement of the indebtedness of the city, for what incurred and how evidenced. The city shall appoint a property clerk or designate some person to perform the duty of such office, who, under the direction of the Supervisor of Finance, shall purchase, hold, issue, and keep account of all personal property that may be required for the city. Such property shall be issued only upon an itemized requisition of the official or head of department requiring same, and shall be duly charged against such person and receipted for. No broken, worn, or otherwise useless tools or other property shall be discarded or abandoned, but all property and tools not required for actual service shall be returned to the storage in charge of the property clerk, and all property issued shall remain a charge against the person receiving same until so returned and credited, or satisfactorily accounted for. Every officer, board, committee, head of department, and other agent or servant of the city who shall have during the preceding year had, received, or disposed of any of the property of the city, shall annually during the first week in September make a full, detailed, and accurate report of all such property, as of the first of September, to the property clerk, and said property clerk shall make a like report as of September first, an account of all property had and received by him, showing all property owned and acquired during the preceding year, any income derived therefrom, and the disposition of the same and every part thereof. The property clerk shall also keep a record of the real property of the city, the purpose for which used, and what, if any, income is derived therefrom, and include a statement thereof in his annual report. The city council shall annually at its August meeting appoint a board of condemnation, who shall audit all property accounts required by this section,

Statement of debt.

Appointment and duty of property clerk.

Requisition and receipt for property.

Tools returned for storage.

Annual reports of property.

Record of real property.

Appointment and duty of board of condemnation.

Annual reports.

dispose of all broken and worn or defective property not further suitable for the use of the city, credit the same upon the property accounts of the various officers, agents, or servants charged therewith, and turn the proceeds into the city treasury. They shall report to the city council all property not accounted for, and the person chargeable therewith. Annually, not later than October, the city council shall have prepared and posted in front of the municipal building a financial exhibit of the current and bonded indebtedness of the city, separately stated, and of the receipts and disbursements on all accounts for the preceding fiscal year.

Reports of property not accounted for.

Financial exhibit posted.

ORDINANCES AND POWERS.

Sec. 11. The city shall have power to enact and enforce all ordinances, rules and regulations within the police power of the State deemed needful or convenient for the good government of the city or for the protection and general welfare of persons or property, and to define, prevent, and summarily abate nuisances at its own expense or at the charge of the person or persons causing or suffering same upon their premises. In furtherance of such power and purpose the police jurisdiction of the city to abate nuisance and to make and enforce sanitary regulations shall embrace all territory and inhabitants within one mile of the corporate limits of the city in every direction, and within such bounds and for such purposes the city shall have and possess all the police power of the State and may enforce the observance of its ordinances, rules and regulations by imposing appropriate penalties for violations thereof; but it shall not be compelled to exercise such authority further than may be needful for the protection of health and the preservation of order and good government within the city. The city shall have power to levy, collect, and expend taxes for all purposes consistent with the welfare of the community and not forbidden by law; to make ordinances and regulations for the government of the city; to order, locate and relocate, lay out, construct, repair, maintain, charge, improve, beautify, light and clean streets, alleys, walks, bridges, parks, playgrounds, gardens, cemeteries, and the like; to organize and maintain proper and needful municipal courts inferior to the Supreme Court; to create, organize, regulate, equip, and maintain police and fire departments, and appoint, grade, regulate, and control the officers, members, and employees thereof, and fix and prescribe their terms of office or employment, authority, duties, and compensation; to make and enforce regulations to guard the city against fire; to establish, administer, regulate and control all necessary prisons and reformatories; to regulate and inspect buildings and other structures; to organize, equip, and maintain a health department, having control and direction of all health and sanitary regulations of the city, and fix the duties, powers, authority, terms of office and employment, and compensation of

Powers in passing ordinances.

Extent of police jurisdiction.

Taxing power.

Powers as to streets, parks, and other public places.

Municipal courts.

Police and fire departments.

Fire ordinances.

Prisons and reformatories.

Building regulations.

Health department.

Market regulation. Amusements and shows. Dangerous pursuits and substances. Unsafe buildings. Weights and measures. Public grounds, buildings, and works. General power.

all officers and employees thereof; to provide and regulate markets and the inspection and sale of food; to regulate and control places of entertainment and amusement, public shows, performances, exhibitions and spectacles, the construction and use of theaters, moving-picture shows, all places of public assembly, and the like; to regulate dangerous pursuits, the handling and storage of explosives, and dangerous substances and fluids, and to condemn and destroy unsafe buildings and other structures; to regulate weights and measures; to provide, build, buy, and otherwise acquire such grounds, buildings, and public works as may be needful, and generally to do whatever may be useful or convenient for the welfare, advancement, security, and comfort of the city and the inhabitants thereof, and not forbidden by law.

Grants of powers not construed as limitation.

The grant of any particular power, authority, measure, or procedure in this charter shall not be construed as a limitation upon any general grant or provisions beyond the express provisions or necessary implication of such particular grant.

COURT.

Municipal court. Mayor to preside. Civil jurisdiction. Criminal jurisdiction. Jurisdiction as committing magistrate. Courtroom. Docket. Policeman to attend court. Mayor to issue process and administer oaths. Fees. Punishment for contempt.

Sec. 12. There shall be maintained in the city, from and after December first, one thousand nine hundred and fourteen, a court, inferior to the Supreme Court, which shall be known as the Municipal Court. It shall be presided over by the mayor, and in his absence or disability, by the mayor *pro tem.* or acting mayor. Such court shall have civil jurisdiction over all actions arising out of the ordinances of the city or for the recovery of penalties for the violation thereof, and of all criminal or *quasi*-criminal actions, for the offenses of abandonment or failure to support wife or family, carrying concealed weapons, assaults, assaults and batteries (less than felonies), enticing servants or employees, and all other offenses whereof the punishment cannot exceed one hundred dollars fine or sixty days imprisonment, or both, which criminal jurisdiction shall be concurrent with that of other courts already vested with jurisdiction thereof. Such court shall also have the jurisdiction of a committing magistrate as to all offenses whereof the final jurisdiction rests with some higher court. The court shall be held at a convenient place to be provided by the city council. The mayor shall keep a docket wherein shall be entered a record of all his doings in every case and the disposition thereof. The chief of police or some policeman under his order shall attend all sessions of said court, preserve order therein, and execute its orders and process. The mayor shall have power and authority to issue every writ and process recognized by the laws of North Carolina and applicable to matters within his jurisdiction, to administer oaths, and to do all and everything usually incident to his office. His fees shall be those provided by law for justice of the peace, and for services not so provided for, such fees as obtain in the Superior Court. Contempts in said court

may be punished by fine not exceeding twenty-five dollars or imprisonment not exceeding thirty days. In cases where the mayor desires the services of counsel in the prosecution of any criminal action in said court, he may require the attendance of the city attorney or his assistant for the purpose, and tax for his use the same fee taxed for solicitor in the Superior Courts. The municipal court shall have power to deal with offenders under the age of fifteen years in all cases except felonies against the person and capital offenses. All offenses against the law, committed by persons under the age of fifteen years, within the territory embraced by the police jurisdiction of the city, shall be delinquencies, and all warrants against such youthful offenders shall be for delinquency, setting out some act now constituting a criminal offense, and not naming the particular crimes embraced in such accusation. The municipal court shall not in any instance be compelled to hold any such youthful person for the Superior Court for any act unless the same shall constitute a felony against the person or some capital crime, but may adopt such system of parol, probation, reports and supervision as may in the judgment of the court seem best adapted to reclaim such offender from vicious and criminal courses. The court may commit such offender to the custody of any industrial school, reformatory, orphanage or home within the State prepared to receive and care for such youth or to any suitable individual within Vance County, subject, however, at all times to the control of the court. These provisions shall not have the effect to take from the courts the power to impose the punishment prescribed by law for such criminal acts as may be committed by such youth, nor prevent the holding of such youth for trial by the Superior Court, in cases where the same may be deemed proper. Upon all such charges of delinquency as may be sent to the Superior Court of Vance County or to the recorder's court of Vance County, the judge and the recorder shall have the same discretion herein given the municipal court. In all trials in the municipal court, except in criminal actions within the jurisdiction of justices of the peace, the defendant shall be entitled upon demand to a jury trial under the regulations now prescribed by law for jury trial in justices' courts, except that the jury shall be drawn from a jury box provided by the city council, containing the names of competent jurors residing within said city. There shall be a right of appeal from the municipal court to the Superior Court of Vance County in all cases in the manner now provided by law for appeals from justice's court.

Services of counsel.

Tax fee.

Youthful offenders.

Offenses of youthful offenders delinquencies.

Judgments as to youthful offenders.

Commitment to industrial school or reformatory.

Power to impose other punishments.

Discretion in other courts.

Jury trials.

Jury.

Right of appeal.

POLICE.

Sec. 13. All police officers shall have the same power and authority vested in sheriffs for preserving the peace, apprehending offenders, suppressing disorder, and preserving the laws and ordinances of the State and city, and shall receive like fees for

Powers of police officers.

Fees.

Execution of process. Extent of police jurisdiction. Leave of absence. Power to take bail. Duties and salaries. Fees to use of general fund or pension fund. Appropriations to pension fund.

their services. They shall execute all and every order, notice, writ, or process issued to them by the mayor, city council, or the chief of any department of the city. The authority of the police shall not be confined within the police jurisdiction of the city, but may be exercised anywhere in Vance County. They shall not leave the police jurisdiction of the city without permission of the mayor, except in pursuit of an accused person, otherwise likely to escape. Whenever for any reason it shall not be practicable to take any person who shall be arrested with or without warrant immediately before the proper court, the chief of police and any sergeant of police may upon a charge of misdemeanor or violation of city ordinance take the recognizances and bonds of such prisoners with good security for their appearance before such court at a time to be named not to exceed two days from the date thereof, and such recognizance or bond shall be in all respects as operative and binding as if taken in due course by a court having authority to take same. Such duties may be imposed upon the police as the city council may deem proper, and such council shall also fix their salaries, and provide that the same shall be in full compensation for their services. In such case the city council may provide that the police fees shall be paid into the city treasury to the credit of the general fund, or it may provide under suitable rules and regulations to be prescribed by ordinance that such fees shall constitute a special fund for old age and disability pensions for police and their dependent families, and may from time to time supplement the same by such appropriations from the general fund as may be practicable.

PRISONS AND REFORMATORIES.

Prisons, workhouses, and reformatories. Work of convicts. Sentences. Sentences by other courts. Proviso: punishment of women and children.

Sec. 14. The city shall have power to establish, regulate, and maintain prisons, workhouses, and such other places of incarceration and such reformatory institutions as it may deem expedient to provide for working convicts upon its streets and public work and to employ the inmates of such institution upon the streets and other public works of the city in its discretion. The municipal court of the city may in the cases now prescribed in section one thousand three hundred and fifty-five of Pell's Revisal sentence convicts therein to imprisonment in the county jail of Vance County or to any such prison or institution as is herein provided for, or to work at hard labor upon the streets and other public works of the city, if desired by the city authorities; otherwise, to work upon the public roads of Vance or other county. Justices of the peace of Vance County and judges holding the terms of the Superior Court in Vance and other counties and the recorder of Vance County may in like manner sentence the convicts in their respective courts to labor upon said streets or other public works: *Provided, however*, that no woman or child under fifteen years of age shall be put to labor upon the streets, roads, or

other public works, nor shall any such child be imprisoned in association with known confirmed criminals: *Provided further*, that said city shall not be compelled to receive or provide for convicts who are unable on account of ill health or otherwise to perform the work required of them, and shall return all such to the sheriff of the county from which they were sentenced to be held in jail or disposed of according to law by the proper authorities of the county. Proviso: prisoners unable to work.

INDIGENTS.

Sec. 15. If any indigent person shall be found within the city in a condition requiring immediate aid or relief, or if any apparently indigent person shall die or be found dead within the city, whose burial no person will undertake, and the county shall have no provision to meet such emergency, to be ascertained by inquiry of the register of deeds, the mayor may at the cost of the city provide such aid, relief, or burial as may be necessary, and make report thereof, with a statement of the expenditures, to the board of county commissioners, and they shall reimburse the city therefor. If such indigent or dead person have no settlement in Vance County the board of commissioners shall have the same right of recovery from the county of such person's legal settlement as is provided in cases where the necessary relief is extended by the county authorities direct, and also the right of recovery in all cases from any estate that may be discovered belonging to such supposed indigent. Aid, relief, and burial of indigents. Report to and reimbursement by county. Recovery of expenses.

FIRE REGULATIONS.

Sec. 16. The mayor, chief of the fire department, and one alderman, the chief of the fire department and two aldermen, or any three aldermen present at a fire, may order the destruction of any house when it shall be necessary to arrest the progress of the fire, and no person shall incur any liability, civil or criminal, for obeying such orders. In the absence of the persons named, the acting chief of the fire department and any three reputable citizens may make such order. The city council shall establish fire limits within which no building shall be erected, repaired, added to, or removed, except to some place outside the fire limits, but in conformity with the fire and building law of the State, and shall appoint or designate an inspector and provide for the inspection of buildings in conformity with the general law of the State. Destruction of houses in arresting fires. Fire limits. Building inspector.

STREETS AND PARKS.

Sec. 17. The city shall have exclusive power to establish, lay out, construct, open, close, alter, widen, extend, grade, regrade, care for, pave, supervise, control, repair, maintain, adopt and change grades, improve, vacate, and regulate the use of streets, sidewalks, public alleys, squares, parks, playgrounds, cemeteries, bridges, and public places within its corporate limits, and may Streets, parks, and other public places. Flagmen and gates at railroad crossings.

require railroad companies to keep flagmen and gates at railroad crossings, and to raise or lower grade crossings as may be deemed best. Land may be acquired for any and all of said purposes, within or without the city, by purchase, gift, or condemnation, as provided in this act; and the same and all and every right and interest therein shall be inalienable except by a three-fourths vote of all the members of the city council in regular meeting. No street shall hereafter be accepted, purchased, condemned, opened, or maintained at public expense, in whole or part, unless the same shall be at least fifty feet wide and shall conform to the plan adopted by the city council; but this shall not prevent the extension or maintenance of streets which have heretofore been accepted, nor the acceptance of streets laid out upon which lots have been sold and improved before the ratification of this act. The city shall own the fee in all its streets, sidewalks, alleys, squares, parks, cemeteries, and public places, unless some other estate or interest be otherwise expressly provided in writing, and three years continuous possession of the same with or without a deed shall import a dedication of the same in fee to the city for such public use, as against every person, firm, or corporation, except infants and persons *non compos*, and as to such and their heirs, after one year from the removal of such disability. The fact that any such street or alley has been open and in continuous public use as such and has been worked by the town or city shall constitute all the possession required under this act. In all cases where the town has already had possession of any such land for three years, all and every person, firm, or corporation claiming any right, title, interest, or estate therein shall bring action within two years from the ratification of this act to establish the same, or the city shall be deemed seized thereof in fee. The city shall have power to make permanent construction, improvements, or repairs of streets and sidewalks, but shall first procure the services of a competent civil or municipal engineer who shall be a graduate in engineering of some reputable institution and shall have had at least five years experience as such engineer, who shall make and report to the city council a survey and plat of the streets, sidewalks, curbings, drains and cross drains, to be embraced in any such permanent work, and the proposed grade thereof, which plat shall show all the lots abutting thereon, with their frontage, and shall be accompanied by an estimate of the reasonable cost of such improvement. The city council may then order the construction of such work according to such plans and survey as may be adopted, under the direction and supervision of its engineer, either by its own forces or under contract. The sidewalks shall be constructed at the charge of the abutting property to the extent of one-half the cost thereof. If the work shall be done under contract, the total sum to be paid for the completed contract shall be fixed in the ordinance or resolution authorizing same. If any engineer, alderman, or other

Grade crossings.

Acquirement of land.

Real property inalienable.

Specifications of streets.

Extension, maintenance, and acceptance of streets.

Ownership of streets and public places.

Three years possession to import dedication.

Persons under disability. Possession.

Time for bringing actions.

Permanent improvements.

Engineer.

Survey and plat.

Estimate.

Order for construction.

Apportionment of expense of sidewalk. Sum fixed if work done by contract.

False report of completion misdemeanor.

officer or agent of the city shall knowingly or without careful examination of the work falsely report the same to be completed according to the contract, he shall be guilty of a misdemeanor and shall be liable to the city for the whole amount expended by reason of such report. The survey and plat as adopted by the city council shall be filed and preserved in the office of the city clerk. Upon the completion of any such work, one-half the cost of the sidewalk shall be apportioned and assessed according to frontage upon and against the abutting lots, and the same shall be a charge and lien upon such lots against all and every owner, mortgagee, trustee or lessee thereof. The amount so assessed against each lot shall be marked upon the engineer's plat on file in the city clerk's office and entered upon the city tax list of the current year against the property and shall be collected as other taxes. If any property-owner shall give notice to the city clerk within sixty days after the completion of such work that he desires to pay such charge in installments, he shall have the privilege of paying same in five equal annual installments to be due at the same time taxes are due and collectible, and such installments shall bear annual interest at the rate of six per centum per annum from the time of the completion of the work until paid.

Liability.

Survey and plat filed.

One-half cost of sidewalk a lien on lot.

Assessments entered on plat.

Payment in five installments.

Interest.

FRANCHISES, ETC.

Sec. 18. No franchise, lease, license by whatever name, or grant, to occupy or use the streets, alleys, parks, squares, and other public places of the city, either on, through, across, under or over the same, and no other franchise, shall be granted by the city to any association, corporation, or individual for a longer period than thirty years, nor shall any renewal or extension of any such franchise already made or which may be hereafter made be valid, if made more than eighteen months before the expiration of the original grant and unless three months public notice has been given of the application for such renewal, by publication in some newspaper of general circulation in said city. Such grant and any contract made in pursuance thereof may provide that, upon the termination of the franchise or license, the plant as well as the property, if any, of the grantee in the streets, avenues, alleys, and other public places shall thereupon, without further or other compensation to the grantee or licensee, or upon the payment of a fair valuation thereof, ascertained in a manner therein prescribed, be and become the property of the city; but in no event shall the grantee or licensee be entitled to any payment because of any valuation derived from the franchise. No franchise shall be granted in the first instance except upon notice of at least ten days in some newspaper published and having general circulation in the city, and after three readings of such proposed franchise at three separate meetings of the city council at intervals of at least one week after such publication of notice, which shall state the time

Limit of grants of franchise.

Limit of renewal and extension.

Notice of application for renewal.

Conditions of grant.

Franchise not valued.

Procedure for granting franchise.

Action for enforcement of public service.

Receiver.

Receiver's certificates.

Order for sale or operation under receiver.

Determination of receivership.

Control of grantees of franchises.

and place of such meetings. Whenever any person, firm, or corporation shall undertake under the terms of any grant, franchise, or license from the city to operate any public utility plant or works and to render any public service by means thereof, and shall fail for any reason to furnish or perform such service, the city may bring its action in the Superior Court of Vance County to compel such service, and upon such failure being made to appear to any judge having jurisdiction therein, it shall be his duty to appoint a receiver, as in other cases, to take charge and possession of the plant, works, or property and business of such defaulting grantee or licensee and furnish such public service according to the terms of such franchise or license, and the judge shall have power and authority to authorize the issue of receivers' certificates, which shall be a charge upon the property and effects of such firm or corporation, to obtain necessary funds for renewing, repairing, maintaining, and operating the plant, works, and business, and for the efficient performance of such public service, and to make such other orders, decrees, and judgments as may be proper to assure the performance of such service and to protect the rights and property of the parties. In a proper case he may order the sale of the property subject to the terms of such grant, franchise, or license, or he may continue the operations under and by such receiver until it shall be made to appear to the satisfaction of the judge that the owner is able and will render the public service required by such grant, franchise, or license, when such receivership may be determined and the property, plant, works, and business returned to the owner thereof. No franchise or grant of the city council shall operate to authorize any grantee thereof to hinder, obstruct, endanger, or impede the public in the free use of any street or public alley within the city, nor be so exercised as to interfere with the public convenience, health, or safety; and all mains, pipes, conduits, conductors, ways, poles, cables, wires, street railways, and all and every contrivance, appliance, fixture, apparatus, or other instrument of any character placed, located, or operated under any franchise or grant of the city shall be and remain subject to the control, regulation, and direction of the city council, notwithstanding the terms and provisions of any grant or franchise whatever.

CONDEMNATION OF LAND.

Procedure for condemnation of land.

Sec. 19. Whenever any land or right of way shall be required by said city for any purpose contemplated or permitted by this act, and for any reason the same cannot be acquired by purchase at a price agreeable to said city, the same may be taken at a valuation to be made by three freeholders of the city to be chosen by the city council, and said freeholders, after being duly sworn by the same person authorized to administer oaths to do full and impartial justice between the town and the owner or owners of

such land, shall take into consideration the damage or loss which may accrue to such owner or owners in consequence of such taking and also any benefit or advantage such owner or owners may receive from the improvement for which the land is proposed to be taken, and shall state the value and amount of each. The excess of loss or damage over the advantage shall be the measure of valuation of such land or right of way. Such freeholders shall make their report to the clerk of the Superior Court of Vance County, who shall docket the proceedings upon the special proceedings docket of his court and issue a notice to the owner or owners of such land to show cause at a time therein named why such report should not be approved, which time shall be at least twenty days. If any owner shall be an infant, a guardian *ad litem* be appointed as in other cases, and if any such owner shall be a nonresident or his residence not known, notice shall be given by publication as in other cases. If no exception be filed to such report within the time fixed therefor, the clerk shall approve the report and adjudge the city the owner of the property upon the payment of the damages and costs. If the city or any owner shall be dissatisfied with the award of such freeholders, they may file exceptions in the Superior Court within the time fixed for that purpose, which shall be heard by the clerk of the Superior Court, and either party may appeal to the Superior Court in term and demand a hearing by jury: *Provided*, that such appeal shall not hinder the city from proceeding with proposed improvement. Upon the payment of the damages adjudged and the costs of the proceeding the city shall become owner in fee of the land so condemned, whether the same be situate within or without the city. It may in like manner construct or authorize the construction of conduits and ways under and along the streets and public places within the city for wires, pipes, cables, mains, and such other uses as may be needful. It may erect a city hall for the accommodation of the courts and officers of the city and such other purposes as may be found desirable. It may also buy, rent, acquire, erect, construct, and furnish such other buildings and structures as may be needful for the public use. The city shall have all and every power and authority necessary or convenient for carrying out the purposes of this section.

Measure of valuation.

Report to court.

Notice to owners.

Approval of report and judgment for land.

Right to file exceptions.

Right of appeal.

Proviso: appeal not to delay work.

Title vested in city.

Conduits.

City hall.

Other buildings and structures.

MARKET AND FOOD INSPECTION.

Sec. 20. The city shall have power within the territory of its police jurisdiction to lease, buy, build, establish, maintain, and regulate markets, market places, stock pens and abattoirs; to regulate or forbid the sale of provisions or other articles upon the streets, avenues, alleys, sidewalks, squares, parks, and other public places within the city. It shall also have power and authority to regulate the sale and provide for the inspection of fresh meats,

Market regulations.

Regulations for sale and inspection of foods.

fish, oysters, fowls, fruits, vegetables, milk, dairy products, and such other foods as may need inspection, and to have seized, condemned and destroyed such as shall be found unfit for use. It shall have authority to prescribe such sanitary regulations respecting the condition, health, food, care, handling, and treatment of cows, the care and handling of milk and dairy products, and for the inspection thereof, as may be necessary to insure a pure and healthful supply of milk and dairy produce for the inhabitants of the city, and to seize, condemn, and destroy all milk and dairy products offered for sale in the city as shall not have been produced, treated, handled, and manufactured in conformity with such regulations; and shall have like power in respect of fish, fresh meat, and animal products.

Sanitary regulations.

Inspection of dairy produce.

Seizure, condemnation, and destruction.

Power and authority of health officer.

Sec. 21. The health officer and physician of the city, by whatever title designated, shall have within the police jurisdiction of the city concurrent power and authority with the county superintendent of health and such additional authority as may be conferred upon him by the city council. In all matters which may require the expenditure of public money, other than as appropriated by the city council, the commissioners of health shall notify the county superintendent of health, who shall take such necessary action as would be proper in any other portion of the county, and the city shall not be chargeable in respect thereof beyond such appropriations as may be made by the city council nor for any expenditure or service which attaches to the county health administration in other parts of the county.

Matters chargeable to county.

PUBLIC EDUCATION AND ALLIED SUBJECTS.

Schools, libraries, reading-rooms, art galleries, and museums. Celebrations and gatherings.

Sec. 22. The city may establish such schools, libraries, reading-rooms, art galleries, and museums as it may deem practicable and provide for the administration and support thereof; it may aid and encourage celebrations of notable events, and in honor of persons of historic, patriotic, or other interest, and further such other gatherings and enterprises as may be useful to the public.

PARK AND TREE COMMISSION.

Park and tree commission. Control and direction of parks and other public places.

Sec. 23. The city may create a park and tree commission of six men and six women, who, subject to the city council, shall have control and direction of all parks, squares, playgrounds, and cemeteries belonging to the city, and of planting and caring for shade and ornamental trees, shrubs, flowers, and grasses therein and on the streets and public alleys of the city. Such commission shall plan, lay out, improve, supervise, control, protect, and regulate the use of such public places by reasonable rules and regulations approved by the city council, and shall make recommendations and advise the city council upon all such matters as look to the advancement and beautifying of the city. Such commission may

Rules and regulations for use.

Recommendations to city council.

Monuments, memorials, and statues.

also provide for public monuments, memorials, statues, and the like, first obtaining the approval of the city council, and the city council and the commissioners of Vance County may make appropriations therefor and prescribe the manner and amount of installments thereof: *Provided*, the same shall not exceed one thousand dollars per year for five years from either of said boards for any one object: and *Provided further*, that when the board of county commissioners shall join in any such enterprise it may name a representative to assist in the execution of the project. Such commission shall serve without compensation, and shall expend only such funds as may be donated for their purpose or appropriated from the public treasury. The city may, in its discretion, accept and administer donations for the foundation, establishment, or maintenance of any charitable, educational, or other institution for the interest or advantage of the public or any class or portion thereof, upon such terms as may be just and proper. The city may, whenever it deems proper, establish public baths, laundries, and public comfort stations; regulate the use of the city sewers and make and collect reasonable charges for connection therewith. For every connection from without the city with any city sewer or with any pipe leading into any such sewer, there shall be a monthly charge of not less than two dollars and fifty cents.

Appropriations by city and county.

Proviso: limit of amount.

Proviso: representative of county.

Commission to serve without compensation.

Expenditure of funds.

Donations for institutions.

Baths, laundries, and public comfort stations.

Sewers and charges for connections.

Connections outside of city.

MISCELLANEOUS.

Sec. 24. The mayor, aldermen, and all appointive officers of the city shall, before entering upon the duties of their respective offices, take and subscribe an oath in an oath book provided by the city clerk for that purpose, to support the Constitution and laws of the United States, and of the State of North Carolina not inconsistent therewith, and to perform the duties of their several offices honestly and to the best of their skill and ability.

Officers to be sworn.

Sec. 25. The mayor, mayor *pro tem.*, aldermen, and city clerk shall have authority to administer oaths in all cases.

Officers to administer oaths.

Sec. 26. The city council may prescribe bonds of appointive officers and employees of the city and fix the penalty thereof. Such bonds shall be payable to the city, and conditioned for the performance of all the duties of the office during the principal obligor's continuance therein, and such further duties as may be lawfully added thereto. Such condition shall cover all and every manner of default or liability as fully as if the particular duty of such office were specifically set out therein, but the bond of the treasurer shall not be less than the amount of taxes the preceding year, and that of the collector of taxes shall never be less than ten thousand dollars.

Bonds of officers.

Conditions of bonds.

Bond of treasurer and tax collector.

Sec. 27. Payments of money on account of the general fund of the city shall be made only upon warrants signed by the mayor or mayor *pro tem.* and city clerk, duly authorized by the city council; but the council may provide for requisitions upon the treasury by

Warrants for payment of money.

Requisitions by supervisors.

the supervisors of departments provided for in this act, for the payment of the expenses of such department, and upon the city clerk's certificate that such requisition is within the terms of the appropriation the same shall be paid. Payments on account of sinking fund shall be upon warrant of the chairman and clerk of the sinking fund commission, countersigned by the Supervisor of Finance.

Warrants on sinking fund.

Compensation of officers.
Pay of aldermen.

Special compensation of supervisors.

Payment of salaries only.

Payment direct from treasury.

Withholding or deducting money forbidden.

Misdemeanor.

Punishment.

Mayor and aldermen not interested in contracts.

Penalty.

Misdemeanor.

Punishment.

Failure to abate nuisance misdemeanor.

Punishment.

Abatement of nuisance at cost of owner.

Expense a lien on premises.
Report and entry.

Proviso: right of appeal.

Sec. 28. The compensation of the mayor and all appointive officers of the city shall be fixed by the city council. Aldermen shall receive not exceeding five dollars, as the city council may prescribe, for each regular meeting, but special compensation may be made for the four supervisors of departments in excess of such per diem allowance. It may prescribe that only salaries shall be paid all or any of such officers, in which event all fees and commissions shall be paid into the general fund of the city, except as hereinbefore otherwise provided. All salaries, fees, and commissions chargeable against the city shall be paid direct from the city treasury upon warrant signed by the mayor and city clerk, duly authorized by the city council; and it shall be unlawful for any officer, agent, employee, or servant of the city to withhold or deduct any sum which may be due him on any account from money or assets of the city which may come to his hands. Any person violating the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.

Sec. 29. No mayor or alderman of the city shall directly or indirectly become a contractor for or interested in any contract for work to be done, materials or supplies to be furnished for or on account of the city. The city shall have and recover a penalty of one hundred dollars for every violation of this section, and the offender shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.

Sec. 30. Every person who shall fail to abate and remove any nuisance on his premises in the city or within the police jurisdiction thereof after the same shall be ordered by the health officer of the city, or by the city council, shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court. When the city shall abate or remove any nuisance on any premises within the city upon the failure of any landowner or lessee to do so after notice, the expense thereof shall be a charge and lien against such premises. The amount thereof shall be reported to the city council, and after notice of thirty days to such landowner, and lessee, if the premises be occupied by a lessee, the council shall order such amount to be entered upon the tax book as a lien upon such land, to be enforced in like manner and at same charges as city taxes: *Provided, however*, that such owner or lessee or both may appeal from such action of the city council to the Superior Court of Vance County.

Sec. 31. The city may regulate charges for the carriage of persons, baggage, freight, and other property by omnibus, carriage, hack, automobile, motor car, dray, wagon, or other vehicle or conveyance within the city; to stipulate and ordain that all charges for public utilities within the city shall be reasonable and the service efficient, and upon complaint it may fix such charges and order that the service be made efficient, and enforce same by penalties, subject, however, to an appeal to the Corporation Commission by any aggrieved person or corporation, and thence to the courts as in other cases. It may regulate and govern the speed of railway engines and trains, street cars, automobiles and all other vehicles, horses, and other conveyances within the city; regulate train shifting and prevent the blocking of street crossings by engines, cars, or trains; regulate and prohibit the ringing of bells, blowing of whistles and like noises within the city or the police jurisdiction thereof; regulate or prevent the construction or maintenance of railway spur tracks, without such approved bulwarks or guards as shall effectually protect persons and property against injury from the use thereof. Traffic regulations. Public utilities. Appeal to corporation commission. Speed regulations. Traffic regulations. Noise ordinances.

Sec. 32. This act shall take effect from and after April first, A. D. one thousand nine hundred and thirteen. When act effective.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 333.

AN ACT TO ESTABLISH A GRADED SCHOOL AT BROADWAY, LEE COUNTY, AND TO ISSUE SCHOOL BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the following described territory in Cape Fear Township, Lee County, viz.: beginning at a stake near S. F. Kelly's shop, on the north side of the Lillington Road, Kelly's corner, and running thence southeast with the various courses of his line to the dividing line between Lee and Harnett counties; thence with said county line to the Griffin Branch; thence up said branch on the south side to M. A. McLeod's line; thence north to an old hickory corner; thence west parallel with A. P. Thomas's line to M. A. McLeod's line; thence southwest with the various courses of said line to his corner; thence west to J. C. Jones' line; thence north with the various courses of his line to J. A. McNeill's corner; thence north with the various courses of his line to the public road near J. B. Rosser's; thence north with said road to A. P. Thomas's corner; thence east with his line to the old hickory corner near the Griffin Branch; thence down said branch on the north side to the county line; thence with the county line to J. D. Maddox's line; thence southeast with the various courses of his Boundary.

line to J. G. Hunter's corner; thence west with the various courses of his line to the corner near the Juniper Branch; thence up said branch to Juniper Church; thence north to N. A. Dalrymple's line; thence west with his line to J. L. Thomas's corner; thence west with the various courses of his line to J. D. Matthews' corner; thence northwest with the various courses of his line to Mrs. Jane Underwood's line; thence north with the various courses of her line to W. B. Thomas's line; thence north with the various courses of his line to A. F. Kelly's line; thence northwest with the various courses of his line to W. B. Thomas's line; thence south with his line to A. F. Kelly's corner; thence west with the various courses of his line to Patchett Creek; thence down said creek to Luna Lassiter's line; thence east with the various courses of her line to a stake, I. L. McNeill's corner; thence south with the various courses of the J. J. M. Cox line to the county line on the southeast side of his house; thence with the county line to T. B. McLeod's line; thence north to N. A. Stewart's corner; thence north with the various courses of his line to S. V. Stephens' corner; thence with the various courses of his line to Alberta Watson's corner; thence east with her line to Leon Watson's corner; thence east with the various courses of his line to Alberta Watson's corner; thence west to S. V. Stephens' corner; thence west with the various courses of his line to J. D. Thomas's line; thence east to E. B. Hunter's corner; thence east to the Lillington Road; thence up said road on the south side to Abram Buchanan's corner; thence south with the various courses of his line to a stake, D. E. Shaw's corner on the north side of Lillington Road; thence with said road, its various courses, to the beginning, shall be and is hereby constituted the Broadway Graded School District.

Constituted Broadway graded school district.

County commissioners to order election.
Petition for election.
Question submitted.

Sec. 2. That the board of county commissioners of Lee County is hereby required to submit to the qualified registered voters of said territory, when petitioned to do so by one-fifth of the qualified voters of said territory, the question of whether an annual tax shall be levied therein for the support of a public graded school, giving instruction free in such branches and grades as now prescribed in the general law for general public schools. Each voter who shall favor levying and collecting the tax herein provided for shall vote a written or printed ballot with the words "For Schools" thereon, and each voter who shall oppose levying and collecting the tax herein provided for shall vote a written or printed ballot with the words "Against Schools" thereon. For the purpose of holding said election the said board of county commissioners shall appoint a registrar for said election and two judges of election, and designate a polling place in said district. The registrar and judges of election shall within two days after said election certify the result thereof to the board of county commissioners, who shall, at their next regular meeting, declare the result

Ballots.

Election officers and polling place.

Certificate and declaration of result.

of said election. In all other respects the law governing said election shall be that provided by the general laws of the State.

Trustees and terms of office.

Sec. 3. That in the event a majority of said voters shall vote "For Schools," the following named persons shall constitute a board of trustees of said Broadway Graded School District, viz.: J. L. Thomas and J. C. Jones for a term of two years, and G. T. Chandler and M. S. Bradley for a term of four years, and W. B. Thomas and J. A. McNeill for a term of six years, from the first day of January, A. D. one thousand nine hundred and thirteen, and until their successors are elected and qualified as herein provided.

Election of successors.

Sec. 4. At the general election for members of the General Assembly preceding the expiration of the terms of office of said trustees the qualified voters residing in said district and otherwise qualified to vote for members of the General Assembly in said election shall vote for two members of the board of trustees of Broadway Graded School as successors to the members of said board whose term of office expires on the first day of January following said election, and the two persons receiving the highest number of votes cast shall be declared elected for the term of office beginning the first day of January following said election. Said ballots shall be cast in a ballot box provided for the purpose and kept separate from other ballot boxes used at said election, and it shall be the duty of the judges of election and registrar appointed for the general election to declare and certify to said board of trustees the results of said election, and the persons so elected shall qualify and assume the duties of their office at the first meeting of the said board of trustees held on or after the first day of January following said election. In the event of a tie in the number of votes received by various persons voted for as members of said board of trustees, the judges of election and registrar shall certify the vote to said board of trustees and said board of trustees shall declare one of said persons duly elected by a majority vote of members present at the meeting of said board to which the election is referred: *Provided, however*, any vacancy by death, resignation, or otherwise shall be filled for the unexpired part of such term by the remaining trustees.

Ballot boxes.

Certificate of result.

Qualification of persons elected.

Settlement of ties.

Proviso: vacancies.

Incorporation.

Corporate name.

Corporate powers.

Control and management of school.

Sec. 5. The said board of trustees are hereby declared to be a body politic and corporate under the name of "Board of Trustees of Broadway Graded School District," and by such name may be sued and may sue, prosecute and defend in any court of this State; may have and hold real and personal property by gift, grant, deed, or otherwise, and sell, convey, and dispose of the same when they shall deem it to be to the best interest of the school to do so. The said board of trustees shall have absolute control of said school, its management and conduct, and shall have any other power pertaining to like corporations.

Tax levied on recommendation of trustees.
Limit of rate.

Sec. 6. That upon recommendation of said board of trustees the board of county commissioners of Lee County shall levy and cause to be collected such an amount of tax so recommended, not exceeding twenty-five cents on the one hundred dollars worth of real estate and personal property and seventy-five cents on the poll each year. The taxes so levied shall be collected by the Sheriff of Lee County under the same laws and penalties as for the collection of State and county taxes, and he shall pay over the money so collected to the treasurer of the Broadway Graded School District.

Collection and settlement of tax.

Election, compensation and bond of treasurer.

Sec. 7. The said board of trustees shall elect annually a treasurer for said Broadway Graded School District, and shall fix his compensation and fix the amount of his bond, which bond shall be approved by the board of commissioners for Lee County and recorded as other official bonds.

Tuition for special courses.

Sec. 8. The said board of trustees shall have the power to establish a schedule of tuition fees for such branches as are not taught under the general law for schools and for persons who are nonresidents in said district. Such fees shall be paid to the treasurer of said district, and by him placed in the general fund of said district.

Annual itemized statements.

Sec. 9. The treasurer of said district shall make an annual itemized statement of all receipts and disbursements, and shall make no disbursements except by order of said board of trustees.

School ages.

Sec. 10. Said graded school shall be open for the children between the ages of six and twenty-one years residing in said district.

Apportionment from general fund.

Sec. 11. The public money which shall be collected on the property and polls from time to time under the general school law for public school purposes in said district shall be paid to the treasurer of said district, and by him applied under order and direction of said board of trustees.

Bond issue authorized.

Sec. 12. And in the event that a majority of the qualified voters in said district shall vote "For Schools," for the purpose of raising money to build and equip a graded school building for the Broadway Graded School District the board of trustees for said Broadway Graded School District are hereby authorized, empowered, and directed to issue bonds to an amount not exceeding three thousand dollars, which bonds shall bear interest not exceeding six per centum per annum, payable, principal and interest, at such time and place as said board may designate, said interest evidenced by coupons attached to said bonds. Said bonds shall be signed in the name of the board of trustees of the Broadway Graded School District, under its corporate seal, by the chairman of said board, and attested by its secretary, and shall mature in not less than ten nor more than thirty years from the date of their issue.

Amount.
Interest.
Authentication.

Sec. 13. That said bonds shall not be sold for less than their par value, and the proceeds from the same shall not be used for any purpose other than the purposes mentioned in section twelve of this act. Sale below par forbidden. Specific appropriation.

Sec. 14. That for the purpose of providing for the payment of the same at their maturity, the board of county commissioners for Lee County shall, annually at the time of levying other taxes, levy and lay a special tax on all polls and property subject to taxation within said graded school district sufficient to meet the annual accruing interest on said bonds and provide a sinking fund for the payment of the same. The taxes provided for in this section shall be collected by the Sheriff of Lee County and by him paid over to the treasurer of said graded school district, and shall be applied exclusively to the purposes for which they are collected. Said bonds shall be issued and taxes levied and collected only upon approval of a majority of the qualified voters of said district. Special tax for interest and sinking fund. Collection, settlement, and use of tax. Majority of qualified voters to approve bonds and tax.

Sec. 15. That for the purpose of submitting to the qualified voters of Broadway Graded School District the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the county commissioners of Lee County, upon petition of the board of trustees of the Broadway Graded School District, shall order an election to be held in said district, and in such order appoint the time and place for holding the same, appoint a registrar and two judges of election, and shall give thirty days notice in some newspaper published in Lee County, and shall order an entire new registration of voters in said district for said election. County commissioners to order election. Petition for election. Particulars of order. Notice of election. New registration.

Sec. 16. That at said election those voting for issuing said bonds and levying and collecting the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing said bonds and levying and collecting the taxes herein provided for shall vote a written or printed ballot containing the words "Against School Bonds." Said election shall be held under the same rules and regulations as now provided for the election of members of the General Assembly. Ballots. Law governing election.

Sec. 17. That the registrar and judges of election at the close of said election shall canvass the votes and declare the result of the election and make two returns thereof, one to the board of county commissioners for Lee County and one to the board of trustees of said graded school district, and the said board of county commissioners shall order said returns recorded in the office of the register of deeds for said county. Canvass and return of votes. Record of returns.

Sec. 18. That all laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 19. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 334.

AN ACT TO RE-ENACT AND AMEND CHAPTER 313, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1911, RELATING TO THE INCORPORATION OF THE TOWN OF BURNSVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and thirteen, Private Laws of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby reënacted and all the provisions thereof declared to be in full force and effect with the following amendments thereto: Strike out of section three, lines eight and nine thereof, the name of James B. Hensley, and add in lieu thereof the name J. E. Evans; strike out of line nine of said section the name of J. Bis Ray, and add in lieu thereof the name J. C. Byrd; strike out of section four, lines two and three, the words "one thousand nine hundred and twelve," and add in lieu thereof the words "one thousand nine hundred and thirteen."

Mayor.

Commissioner.

Town election.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 335.

AN ACT TO INCORPORATE THE TOWN OF SPRUCE PINE, MITCHELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated.

Subject to general law.

Section 1. That the town of Spruce Pine in the county of Mitchell be and the same is hereby incorporated, and shall be subject to all the provisions of the law of chapter seventy-three of the Revisal of one thousand nine hundred and five or other existing laws in reference to incorporated towns.

Corporate limits.

Sec. 2. That the corporate limits of said town shall extend from the C. C. and O. Railway station one mile in all directions.

Town officers.

First officers named.

Sec. 3. That the officers of said town shall consist of three commissioners, a mayor and a marshal, and the following person shall fill said offices till the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, viz.: D. F. Blalock, mayor; L. A. Berry, J. H. Poteat, and T. C. Turbyfill, commissioners; R. A. Read, marshal.

Town elections.

Sec. 4. That there shall be an election held for the offices mentioned in this act on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and every two years thereafter, under the same laws and restrictions that the State and county elections are held.

Sec. 5. That said commissioners shall have the power to pass all ordinances and regulations for the good government of the town not inconsistent with the laws of the State or the United States, and shall have the power to levy and collect a tax on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the hundred dollars valuation of property, real and personal; to impose fines and penalties and collect the same. They shall also have the power to elect a clerk and treasurer or other officers if they deem it necessary, and shall fix the salary or fees of the officers of said town. Legislative powers. Taxing powers. Officers elected by commissioners. Salaries and fees.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 336.

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ESTABLISH A SYSTEM OF WATERWORKS AND ISSUE BONDS FOR THE SAME.

The General Assembly of North Carolina do enact:

Section 1. The city of Durham, North Carolina, through its board of aldermen or other governing authority, be and it is hereby authorized and empowered to establish, operate, and maintain a system of waterworks for the use of said city and the inhabitants thereof, and to that end may purchase, acquire, hold and own all necessary lands, works and machinery and appliances for the same. Establishment and maintenance of waterworks authorized. Lands and equipment.

Sec. 2. That the city of Durham be and it is hereby authorized to issue coupon bonds not to exceed in amount the sum of five hundred thousand dollars and in denominations of not less than twenty-five dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per centum per annum and payable semiannually until the said bonds are paid; that the said bonds shall be payable to bearer at a time to be fixed by the board of aldermen or other governing authority of said city and named therein, not to be less than five nor more than thirty years from the date thereof: *Provided, however*, that the said board of aldermen or other governing authority of the city of Durham may divide said bonds into classes, as they may determine best, and have them mature at different convenient dates between the limits aforesaid. That said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the city of Durham and countersigned by the clerk of the board of aldermen or other governing authority of said city and have the corporate seal of said city affixed thereto; and the coupons thereto Bond issue authorized. Amount. Denominations. Interest. Maturity. Proviso: division into classes. Authentication.

attached shall bear the facsimile signature of the mayor of the said city engraved or lithographed thereon; that a record shall be kept of the said bonds showing the numbers and denominations thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of same, and the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the board of aldermen or other governing authority may direct to be kept.

Record of bonds.

Sale below par and delivery before payment forbidden. Proceeds paid to treasurer.

Sec. 3. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of said city shall not deliver said bonds or any of them to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of said city and his receipt to the purchaser produced before the mayor as evidence of such payment; and the treasurer of the city shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said city. He and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of said city of Durham; and it shall be the duty of the board of aldermen or other governing authority of said city of Durham to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties as they may require.

Treasurer liable on bond.

Bond of treasurer.

Use of proceeds.

Sec. 4. That the proceeds from the sale of said bonds shall be used for the purpose of acquiring or obtaining by purchase, or building, or constructing, equipping and maintaining a complete system of waterworks for the purpose of supplying and furnishing the city of Durham and the inhabitants thereof with an adequate supply of water. The board of aldermen or other governing authority of the city of Durham shall be and are hereby authorized to use and expend the funds arising from the sale of said bonds in acquiring by purchase or otherwise the property, or so much thereof as may be deemed necessary, of any system of waterworks already laid, operated, and maintained by any person or corporation in or near the city of Durham, and also for the purpose of acquiring by purchase or otherwise the necessary land, rights or easement in land, water, water-courses, riparian rights, and also for acquiring by purchase, construction, erection, or otherwise, pipes, basins, reservoirs, machines, pumps and all other material, appliances, machinery, articles and things of all kinds necessary to a complete and adequate system of waterworks. The said bonds shall be known as "Water Bonds." The board of aldermen or other governing authority of the city of Durham, out of the moneys derived from the collection of tolls or rents of water, or from sales of same, shall, after paying the cost and expenses of operating the plant or system of waterworks under its control, including the cost of such incidental improvements as may be deemed necessary for the purpose, apply the balance of

Purchase of existing systems.

Purchase of lands, rights, and easements.

Erection of works.

Entitlement of bonds. Application of surplus.

such moneys, or so much thereof as may remain, to the payment of the semiannual interest upon the bonds issued for said purpose and provide for a sinking fund for the payment of the principal of the bonds.

Specific appropriation.

Sec. 5. That the moneys received from the sale of any of the bonds above provided for shall be used for no other purpose than that for which they were authorized to be used.

Act to be submitted to voters.

Sec. 6. That the provisions of this act shall be submitted to the qualified voters of the city of Durham for their ratification or rejection at an election to be held in said city at a time to be appointed by the said board of aldermen or other governing authority of said city within two years from the ratification of this act; the said board of aldermen or other governing authority of said city shall cause the notice of said election and purposes of the same to be published in some newspaper for thirty days before said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by said board of aldermen or other governing authority of said city, and the return of the result of said election be made and certified in like manner as all other elections in said city, and in like manner the returns of said election and the result thereof be canvassed by the said board of aldermen or other governing authority of said city and result declared. At the said election those who are in favor of issuing said bonds shall vote "For Waterworks," and those who are opposed shall vote "No Waterworks," on a written or printed ballot, and the number of ballots cast for and against the said bonds deposited in the ballot boxes provided for that purpose shall be counted and the result of said election certified and returned to the said board of aldermen or other governing authority of said city, and the same, when canvassed and declared as aforesaid, shall be certified under the hands of the mayor of said city and the said clerk of the said board of aldermen or other governing authority and the corporate seal of the said city of Durham to the Secretary of State, which certificate of result of said election shall be filed by the Secretary of State in his office. If at said election a majority of the qualified voters of the said city of Durham shall not vote "For Waterworks," then this act shall be thereafter of no force and effect; but if at said election the ballots cast "For Waterworks" shall be a majority of the qualified voters of the said city of Durham, the said board of aldermen or other governing authority of said city shall proceed to issue and sell said bonds or so many thereof as may be necessary for the purposes aforesaid. That the board of aldermen or other governing authority of the city of Durham may order, and cause to be had, a new registration for said election.

Limit of time.

Notice of election.

Law governing election.

Ballots.

Count of votes and certificate of result.

Certificate to Secretary of State.

Effect of election.

New registration.

Special tax for interest and sinking fund.

Sec. 8. That the board of aldermen or other governing authority of the city of Durham is hereby authorized to levy and collect each year, in addition to all other taxes levied and collected in said city,

an *ad valorem* tax upon all of the taxable property in said city, sufficient to pay the interest on said coupon bonds authorized by this act, as the same becomes due; and also, at or before the time when the principal of said bonds becomes due, a further uniform *ad valorem* tax upon all taxable property in said city sufficient to provide the sinking fund for and to pay off and discharge the same at maturity; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected on property in said city; and the money paid into the city treasury received from the taxes levied under this act shall be appropriated for payment of said bonds and coupons and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all of the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of the governing authorities of the city of Durham to the general fund of the city of Durham. It shall be the duty of the said treasurer, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the board of aldermen or other governing authority of the city of Durham the numbers and amounts of the coupons so canceled.

Levy and collection of tax.

Specific appropriation.

Proviso: surplus to general fund.

Semiannual reports.

Aldermen may appoint trustee.

Sec. 9. The board of aldermen or other governing authority of the city of Durham may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee, whose duty it shall be to receive such revenue as may be collected under this act, for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity; and the said board of aldermen or other governing authority may prescribe the duty of said trustee, fix the amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of the said trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund, in safe securities or upon real estate situated in the city of Durham: *Provided, however*, that no such investment or loan be made without the consent and approval of the board of aldermen or other governing authority.

Duties, compensation, and bond.

Investment of sinking fund.

Proviso: approval of investment.

Power of eminent domain.

Sec. 10. That the said city of Durham is hereby vested with the power of eminent domain and the board of aldermen or other governing authority of said city is hereby authorized to purchase or acquire by condemnation the property, or so much thereof as in the opinion of said board of aldermen or other governing authorities of said city may be necessary, of any system of waterworks belonging to any person, firm, corporation or *quasi*-corporation operating in said city; and may purchase or acquire by condemnation such land and rights in land and water as may be necessary for the successful operation of said system of waterworks. Said condemnation proceedings in any case to be the same as prescribed by law for acquiring right of way by railroad.

Proceedings for condemnation.

Sec. 11. That the trustee or trustees, commissioner or commissioners, or other person, persons, or corporation having charge of the several sinking funds heretofore provided by law or laws relating to the city of Durham are hereby specifically authorized to invest funds in hand in the bonds authorized by this act. Investments of existing funds.

Sec. 12. That all laws or parts of laws inconsistent herewith, and especially chapter eighty-six of the Public Laws of one thousand nine hundred and eleven, in so far as the same applies to Durham County, be and the same are hereby repealed. Laws repealed.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 337.

AN ACT TO ALLOW THE TOWN OF PILOT MOUNTAIN TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Pilot Mountain be and is hereby authorized and empowered to submit to a vote of the qualified voters of the town of Pilot Mountain, as and when the board of town commissioners may determine, the question as to whether or not the town of Pilot Mountain shall issue bonds, from time to time, in a sum not to exceed in the aggregate twenty thousand dollars ($20,000), with interest coupons attached, the proceeds of said bonds to be used for the purpose of building, repairing, and general street improvement in the town of Pilot Mountain, and a part of said funds arising from sale of said bonds may or may not, as the said board of commissioners deem best, be used for building, paving, or repairing sidewalks, or used in lighting said town; said bonds bearing interest from date of issue thereof at a rate not exceeding five (5) per centum per annum, payable semiannually, with interest coupon bonds attached; said bonds and coupons payable at such time and place as may be deemed advisable by the board; and said bonds shall be voted upon from time to time in such denominations and in such proportions as the board of commissioners shall deem advisable: *Provided*, that at the first election held under this act, should a majority of the qualified voters of said town not vote for bond issue, or the board of commissioners should not order an election for the full amount of the bonds, said board of commissioners may continue to call and hold elections in said town at any time they deem proper until a majority of the qualified voters thereof shall vote for the bond issue, or until the full amount of the bonds herein authorized shall have been issued. The time for the payment of said bonds shall not be less than thirty years or more than forty years. Election authorized. Question to be submitted. Amount of bonds. Use of proceeds. Interest. Time and place of payment. Proviso: further elections. Maturity of bonds.

Law governing elections.

Sec. 2. That any election held under the provisions of this act shall be held, conducted, and results declared in the same manner and form as is now or may hereafter be prescribed by law for holding elections in the town of Pilot Mountain for the election of a mayor and town commissioners.

Ballots.

Sec. 3. That at said election the ballots tendered and cast by the qualified voters of said town shall have written or printed upon them "For Street Improvement" or "Against Street Improvement," and all qualified electors who favor issuing the bonds shall vote "For Street Improvement" and all qualified electors opposed to the issuing of said bonds shall vote "Against Street Improvement."

Declaration and record of result.

Sec. 4. That in the event that a majority of the qualified voters of the town of Pilot Mountain shall at said election or elections vote for street improvement, the result shall be declared and recorded in the minutes of the board of town commissioners, and

Bonds to be issued.

the board of town commissioners of the town of Pilot Mountain are hereby authorized and empowered to issue said bonds as described in section one hereof, and as soon as practicable they

Sale below par forbidden.

shall have said bonds prepared for issue and sale. Said bonds shall in no case be sold, exchanged, or otherwise disposed of for

Specific appropriation of proceeds.

less than their face value, nor shall the proceeds derived from the sale of said bonds be used for any other purpose or purposes

Exemption from taxation.

than those designated and declared in this act, and the said bonds and coupons shall not be subject to taxation by the town of Pilot

Proviso: purchaser not responsible for application.

Mountain: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the funds.

Proceeds paid to treasurer.

Sec. 5. That when any of said bonds are sold, the proceeds of such sale shall be paid by the purchaser of said bonds to the

Bond of treasurer.

treasurer of the town of Pilot Mountain. The treasurer, before any of the said funds are paid to him, shall be required by the board of commissioners to execute a justified bond in an amount that the board shall deem necessary for the protection, safe keeping, and just rendering of said funds; said bond to be payable to the town of Pilot Mountain, and shall never be less than the amount of money in hands of said treasurer.

Fund for payment of interest.

Sec. 6. For the purpose of paying said coupons as they become due, and for the further purposes hereinafter set out, the board of commissioners may use the money derived from the general taxation which is not needed for the other expenses of the town

Special tax.

of Pilot Mountain, and it shall be the duty of the said commissioners, and they are hereby empowered, should they find it necessary to do so, to levy and collect sufficient special tax each year upon all subjects of taxation which are now or may hereafter be embraced in the subject of taxation under the charter

Limit of rate.

of said town, said levy not to at any time exceed thirty cents on

Levy and collection.

the hundred dollars valuation and ninety cents on the poll, which tax shall be levied and collected at the same time and in the same manner as the general town taxes are levied and collected.

Sec. 7. That at the end of twenty years from the issuing of said bonds the said board of commissioners shall set aside annually from taxes collected under section six (6), after paying interest on coupons, such amount as they may deem advisable as a sinking fund to pay off the principal of said bonds. That the amount set aside as a sinking fund shall be used or may be used by the board of town commissioners to buy up the outstanding bonds, if they can be bought at a reasonable price which will be advantageous to the town; but if bonds cannot be purchased at a reasonable price, then said sinking fund shall be loaned by said commissioners in such sums and upon such length of time as they think best, taking therefor notes payable to the treasurer, secured by real estate mortgages or deeds in trust bearing six per cent interest. Sinking fund. Investment of sinking fund.

Sec. 8. That for the purpose of carrying this act into effect, every owner of a lot, or person having as great interest therein as a three years lease, which fronts, adjoins, or is bounded by or on a street on which a sidewalk has been established, or shall be established, shall improve said sidewalk fronting and adjoining said lot in such manner as the commissioners of the town shall direct, as far as it may extend along such lot, and on failure to comply with said directions of the said board of commissioners within ten days after notice by the street commissioner to the said owner, or if he be a nonresident of the county of Surry, his agent, or if such nonresident has no agent in said county and personal notice cannot be served on him or his agent, then after publication of notice in some newspaper published in the town of Pilot Mountain, or, in lieu thereof, by posting notice at the courthouse door in Surry County and three public places in the town of Pilot Mountain for thirty days by the street commissioner, the board of commissioners may cause the same to be repaired with brick, stone, or other material at their discretion, and the cost thereof as charged by the board of town commissioners in their order directing sidewalks to be repaired may be assessed upon the property of such delinquent and added to the taxes against him or her, and collected in the same manner as other taxes, and when collected to be applied to the payment of the cost of or charges for fixing, repairing, or paving the said sidewalk. Owners of lots to improve sidewalks. Work done by town on default of owner. Cost assessed on property and added to taxes.

Sec. 9. That if a majority of the qualified voters of the town of Pilot Mountain at any election held under this act shall vote "For Street Improvement," the result shall be recorded and declared as aforesaid, and bonds with coupons issued as aforesaid; and the board of commissioners of the town of Pilot Mountain shall have full and ample power to carry this act into effect by private contract, or contract to the lowest bidder, having a right to reject any and all bids; and if the said commissioners deem it best to grade, build, or improve streets or sidewalks or any Work may be let to contract. Work done by town.

other work authorized under this act, themselves, they shall have power to purchase any and all materials, stock, machinery, and employ labor necessary to carry into effect the provisions of this act; and all necessary expenses incurred by the commissioners by reason of this act shall be paid out of the funds arising under this act.

Sec. 10. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 338.

AN ACT TO AUTHORIZE THE TOWN OF WILSON TO ISSUE BONDS FOR THE PURPOSE OF ERECTING, INSTALLING, OPERATING, AND MAINTAINING A GAS PLANT IN THE TOWN OF WILSON AND ACQUIRING OR CONSTRUCTING AND INSTALLING A TELEPHONE SYSTEM IN THE SAID TOWN AND OUTLYING DISTRICTS.

The General Assembly of North Carolina do enact:

Committee of investigation.

Section 1. That D. S. Boykin, Ernest Deans, and E. A. Darden be and they are hereby appointed a committee for the purpose of investigating and report to the board of town commissioners of the town of Wilson the advisability, probable cost, expediency and practicability of the town of Wilson issuing bonds for the following purposes:

Matters for consideration.

Construction and maintenance of gas plant.

(*a*) Of erecting, constructing, maintaining, and operating a gas plant in the town of Wilson for the purpose of manufacturing, selling, and distributing to the inhabitants thereof gas for domestic and commercial purposes.

Acquiring or erecting telephone system.

(*b*) Of acquiring or erecting, constructing, installing, operating, and maintaining a telephone system in the town of Wilson and the outlying districts.

Employment of experts.

Sec. 2. That the committee herein appointed is authorized, for the purpose of intelligently reporting to the board of town commissioners of Wilson upon the questions intrusted to it, to employ competent, skilled, and accredited experts to make such expert investigations and surveys as may be necessary to enable the committee to act advisedly, and for this purpose the board of town commissioners of the town of Wilson are hereby directed to appropriate and hold, subject to the order of the said committee, one thousand dollars ($1,000) to be expended by said committee, or so much thereof as may be necessary for the purpose of investigating the said propositions.

Appropriation for investigation.

Time for report of committee.

Sec. 3. That the committee herein appointed shall report to the board of town commissioners of the town of Wilson, not later than

the first Thursday in August, one thousand nine hundred and thirteen, and if the report of the committee shall advise the erection, construction, installation, operation, and maintenance of a gas plant for the purposes herein designated, it shall be the duty of the town commissioners of the town of Wilson to immediately call an election of the qualified voters of the town of Wilson upon the question of issuing bonds in an amount equal to the recommendation of the committee's report, not to exceed the sum of one hundred thousand dollars ($100,000), which bonds shall be redeemable and payable thirty (30) years from the date of issue, with interest coupons attached; said interest payable semiannually at the rate of five per cent per annum. The said election shall be conducted in all respects as required for the holding of the election in the town of Wilson under the act of the General Assembly, one thousand nine hundred and thirteen, relating to the election in the town of Wilson for the purpose of submitting to the qualified voters thereof the question of issuing bonds for street improvement and enlargement of the electric light plant; that at said election those desiring to vote for the issuing of bonds for the purpose of erecting, installing, operating, and maintaining a gas plant shall vote a ballot on which shall be written or printed the words "For Gas Plant," and those desiring to vote against issuing bonds for the said purpose shall vote a ballot on which shall be written or printed the words "Against Gas Plant"; and if at said election a majority of the qualified voters of the town of Wilson shall vote "For Gas Plant," then the commissioners of the town of Wilson shall have prepared bonds of the town of Wilson in denominations not exceeding one thousand dollars ($1,000) and not less than five hundred dollars ($500) in an amount equal to the recommendation of the committee appointed in section one hereof, the total amount issued not to exceed one hundred thousand dollars. The bonds shall be signed by the mayor of the town of Wilson and the clerk of said town, with the seal of the town thereto affixed, with interest coupons attached, payable semiannually on the first day of January, and the first day of July of each and every year, and the interest coupons shall be signed by the clerk of the town: *Provided*, that the signature of said clerk may be printed, engraved, or lithographed on the said coupons. The said bonds and interest coupons shall be payable at some bank to be designated in the face of the bonds and interest coupons, to be named by the board of commissioners of the town of Wilson, and shall be in a form adopted by the said board, and shall be known and designated as "Wilson Gas Plant Bonds" and numbered consecutively from number one. When the bonds have been so prepared they shall be sold by the board of town commissioners of the town of Wilson in such quantities as may be necessary, for not less than par and accrued interest, and the proceeds arising from the sale thereof shall be deposited with the treasurer of the town of Wilson, which shall

Election if report favors gas plant.

Limit of bond issue.

Interest.

Law governing election.

Ballots.

Issue of bonds.

Denominations.

Amount.

Authentication.

Place of payment.

Official entitlement.

Sale of bonds.

Sale below par forbidden.

Proceeds paid to treasurer.

Separate accounts. Entitlement of fund. Board of public works to have charge of gas plant.

be received by the treasurer and kept in separate account from all other accounts of the town of Wilson, which account shall be known and designated as "Gas Plant Fund." The board of public works of the town of Wilson, created by the act of the General Assembly in session of one thousand nine hundred and thirteen, for the purpose of improving the streets and enlarging the light and power plant in the town of Wilson, shall also have charge and control of the erection of a gas plant, and for this purpose the said board of public works is hereby clothed with all of the powers and privileges necessary and incident to the successful and proper prosecution of the work of installing, erecting, and preparing for operation the said gas plant under all of the restrictions, rules and regulations set out in the act creating the said board, and shall exercise and perform the duties of erecting the said gas plant under the same regulations and rules as the said board exercised the duty, privileges, powers, and restrictions in improving the streets of the town of Wilson and enlarging the power plant of the said town.

Powers and privileges.

Regulations and rules.

Time for report on telephone system.

Sec. 4. That the committee herein appointed shall report to the board of town commissioners of the town of Wilson, not later than the first Thursday in August, one thousand nine hundred and thirteen; and if the report of the committee shall advise the acquiring, erection, construction, installation, operation, and maintenance of a telephone system for the purposes herein designated, it shall be the duty of the town commissioners of the town of Wilson to immediately call an election of the qualified voters of the town of Wilson upon the question of issuing bonds in an amount equal to the recommendation of the committee's report, not to exceed the sum of fifty thousand dollars ($50,000), which bonds shall be redeemable and payable thirty (30) years from the date of issue, with interest coupons attached; said interest payable semiannually on July first and January first of each year, at the rate of five per cent per annum. The said election shall be conducted in all respects as required for the holding of the election in the town of Wilson under the act of the General Assembly of one thousand nine hundred and thirteen, relating to the election in the town of Wilson for the purpose of submitting to the qualified voters thereof the question of issuing bonds for street improvement and enlargement of the electric light plant; that at said election those desiring to vote for the issuing of bonds for the purpose of acquiring or erecting, installing, operating, and maintaining a telephone system shall vote a ballot on which shall be written or printed the words "For Telephone System," and those desiring to vote against issuing bonds for said purpose shall vote a ballot on which shall be written or printed the words "Against Telephone System"; and if at said election a majority of the qualified voters of said town shall vote "For Telephone System," then the commissioners of the town of Wilson shall have prepared bonds of the

Election for bond issue if report favors telephone.

Limit of amount.

Maturity of bonds.

Interest.

Law governing elections.

Ballots.

Issue of bonds.

town of Wilson in denominations not exceeding one thousand dollars ($1,000) and not less than five hundred dollars ($500), in an amount equal to the recommendation of the committee appointed in section one hereof, the total amount issued not to exceed the sum of fifty thousand dollars ($50,000). The said bonds shall be signed by the mayor and clerk of the town of Wilson, with the seal of the town affixed, with interest coupons attached, at the rate of five per cent per annum, which coupons shall be payable semi-annually on the first day of January and the first day of July of each year; the coupons shall be signed by the clerk of the town of Wilson: *Provided*, that the signature of the clerk may be engraved, printed, or lithographed on the said coupons. The bonds and interest coupons shall be payable at some bank designated in the face of the same, to be named by the town commissioners, and shall be in a form adopted by the said commissioners and shall be numbered consecutively from number one, and shall be known as "Wilson Telephone Bonds." When the bonds have been prepared, they shall be sold by the board of commissioners in such quantities as may be necessary, for not less than par, with accrued interest, and the proceeds arising from the sale of said bonds shall be delivered to the treasurer of the town of Wilson, which shall be received by the treasurer and kept in separate account from all other accounts of the town of Wilson, which account shall be known and designated as "Telephone System Fund." The board of public works of the town of Wilson, created by the act of the General Assembly of North Carolina in session one thousand nine hundred and twelve, for the purpose of improving the streets and enlarging the light and power plant in the town of Wilson, shall also have charge and control of the acquiring or erecting and installing of a telephone system, and for this purpose the said board of public works is hereby clothed with all of the powers and privileges necessary and incident to the successful and proper prosecution of the work of acquiring or installing, erecting, and preparing for operation the said telephone system under all of the restrictions, rules and regulations set out in the act creating the said board, and shall exercise and perform the duties of erecting the said telephone system under the same regulations and rules as the said board exercised the duty, privileges, powers, and restrictions in improving the streets of the town of Wilson and enlarging the power plant of the said town.

Denominations.
Amount.
Authentication.
Interest.
Place of payment.
Entitlement.
Sale of bonds.
Sale below par forbidden.
Proceeds paid to treasurer.
Separate accounts.
Entitlement of fund.
Board of public works to have charge of work.
Powers and privileges.
Restrictions, rules and regulations.

Sec. 5. The board of commissioners of the town of Wilson are hereby authorized, empowered, and directed, for the payment of such bonds as may be issued under the provisions of this act, and for the payment of all interest thereon, to pledge the faith and credit of the town of Wilson.

Pledge of faith and credit of town.

Sec. 6. For the purpose of paying the interest on the said gas-plant bonds, the board of town commissioners are hereby authorized, empowered, and directed, annually to levy a tax on all tax-

Special tax for gas-plant bonds.

able property in the town of Wilson sufficient to pay the interest on said bonds, which tax shall be collected by the tax collector of the town of Wilson when all other taxes are collected, and by the tax collector turned over to the treasurer of the town of Wilson, who shall keep the same in separate account to be known as "Gas Plant Bond Interest Fund," and it shall be expended only for the purpose of paying the said interest: *Provided, however*, that whenever the net earnings of the said gas plant for the year next preceding the levy of taxes in the town of Wilson have been sufficient to pay the interest on said bonds, then and in that event it shall be the duty of the board of town commissioners of the town of Wilson to appropriate and set apart from the said net earnings of the gas plant a sum sufficient to pay the interest on said bonds for the following year, and no taxes shall be levied in such event for the payment of said interest: *Provided, however*, that the failure of the board of town commissioners of the town of Wilson on any one or more successive years, when the net earnings of the gas plant have been sufficient to pay the said interest, to levy the taxes herein required, such failure shall not be deemed to deprive the board of town commissioners of the power, authority, and duty to make such levy whenever the net earnings of the gas plant the preceding year have been insufficient to pay the said interest.

Collection and settlement.

Separate account.

Specific appropriation.

Proviso: payment by receipts from gas works.

Proviso: intermission not to abrogate right.

Sinking fund for gas-plant bonds.

Sec. 7. For the purpose of preparing to meet the payment of the gas-plant bonds when due and redeemable, it shall be the duty of the board of town commissioners of the town of Wilson, annually, to appropriate from the earnings of the gas plant and turn over to the sinking fund commission of the town of Wilson heretofore created not more than three per cent and not less than one per cent of the total amount of the bonds so issued for the installation and erection of the gas plant, which amount shall be received by the said sinking fund commission and held separate and apart from all other money held by the sinking fund commission, which fund shall be known as "Gas Plant Bonds Sinking Fund": *Provided, however*, that it shall be the duty of the board of town commissioners of the town of Wilson, at the meeting when the annual levy of tax on all taxable property in the town of Wilson is made for all other purposes, in the event that the earnings of the gas plant have been insufficient to care for the interest and sinking fund as herein provided for, to levy a tax on all taxable property in the town of Wilson sufficient to raise enough money to pay not more than three and not less than one per cent of the amount of gas-plant bonds to the said sinking fund commission: *Provided*, that the failure of the commissioners to levy the said tax during any one or more years when the earnings of the said gas plant have been sufficient to meet the charges herein made, shall not operate so as to deprive the said board of town commissioners of the town of Wilson of the right or duty to levy said tax when-

Fund kept separate.

Proviso: special tax to supply deficiency.

Proviso: intermission not to affect right.

ever the earnings of the said gas plant the preceding year have been insufficient to pay the interest on the bonds and to provide for the sinking fund as herein required.

Tax for interest on telephone bonds.

Sec. 8. For the purpose of paying the interest on the said telephone system bonds, the board of town commissioners are hereby authorized, empowered, and directed annually to levy a tax on all taxable property in the town of Wilson sufficient to pay the interest on said bonds, which tax shall be collected by the tax collector of the town of Wilson when all other taxes are collected, and by the tax collector turned over to the treasurer of the town of Wilson, who shall keep the same in separate account to be known as "Telephone System Bond Interest Fund," and it shall be expended only for the purpose of paying the said interest: *Provided, however*, that whenever the net earnings of the said telephone system for the year next preceding the levy of taxes in the town of Wilson have been sufficient to pay the interest on said bonds, then and in that event it shall be the duty of the board of town commissioners of the town of Wilson to appropriate and set apart from the said net earnings of the telephone system a sum sufficient to pay the interest on said bonds for the following year, and no taxes shall be levied in such event for the payment of said interest: *Provided, however*, that the failure of the board of town commissioners of the town of Wilson on any one or more successive years when the net earnings of the telephone system have been sufficient to pay the said interest, to levy the tax as herein required, such failure shall not be deemed to deprive the board of town commissioners of the power, authority, and duty to make such levy whenever the net earnings of the telephone system the preceding year have been insufficient to pay the said interest.

Collection and settlement.

Separate account.

Specific appropriation.

Proviso: payment from earnings.

Proviso: intermission not to abrogate right.

Sinking fund for telephone bonds.

Sec. 9. For the purpose of preparing to meet the payment of the telephone system bonds when due and redeemable, it shall be the duty of the board of town commissioners of the town of Wilson annually to appropriate from the earnings of the telephone system and turn over to the sinking fund commission of the town of Wilson, heretofore created, not more than three per cent and not less than one per cent of the total amount of the bonds so issued for the installation and erection of the telephone system, which amount shall be received by the said sinking fund commission and held separate and apart from all other money held by the sinking fund commission, which fund shall be known as "Telephone System Bonds Sinking Fund": *Provided, however*, that it shall be the duty of the board of town commissioners of the town of Wilson, at the meeting when the annual levy of tax on all taxable property in the town of Wilson is made for all other purposes, in the event that the earnings of the telephone system have been insufficient to care for the interest and sinking fund as herein provided for, to levy a tax on all taxable property in

Fund kept separate.

Proviso: tax for deficiency.

the town of Wilson sufficient to raise enough money to pay not more than three and not less than one per cent of the amount of telephone system bonds to the said sinking fund commission:

Proviso: intermission not to abrogate power.

Provided, that the failure of the commissioners to levy the said tax during any one or more years when the earnings of the said telephone system have been sufficient to meet the charges herein made shall not operate so as to deprive the said board of town commissioners of the town of Wilson of the right or duty to levy said tax whenever the earnings of the said telephone system the preceding year have been insufficient to pay the interest on the bonds and to provide for the sinking fund as herein required.

Sinking fund commission.

Sec. 10. The sinking fund commission herein referred to is and shall be the sinking fund of the town of Wilson created by the act of the General Assembly of North Carolina, session one thousand nine hundred and eleven.

Investment of sinking funds.

Sec. 11. The money paid to the sinking fund commission hereunder, whether for the use of the gas-plant sinking fund or for the use of the telephone system sinking fund, shall be invested by the said commission in gilt-edge securities to the best possible advantage, and the said investment shall be made by a two-thirds vote of said commission. All investments hereunder shall be so made that they can be identified as gas plant or telephone system fund, according to the source from which the money for said investment was derived.

Identification of investments.

Treasurer to handle money.

Sec. 12. The treasurer of the town of Wilson shall handle all moneys paid to him on account of gas-plant bonds or telephone system bonds in the same manner as he handles the street improvement fund and electric light and power plant fund.

Specific appropriation.

Sec. 13. The sinking fund as herein created shall not be used by the town of Wilson or any other person for any other purpose than for the creating of a fund sufficient to retire the said bonds at maturity.

Collection and reinvestment of sinking fund.

Sec. 14. The sinking fund commission shall collect all interest due on securities held by the said commission when the same is due and shall reinvest such interest and thereafter treat and regard the same as principal money; all amounts of interest collected shall be reported to the clerk of the town of Wilson, designating from which class of sinking fund the same was collected, and all investments made of such interest shall be for the use of the same class from which it was collected.

Reports.

Investments.

Warrants and vouchers.

Sec. 15. All bills and accounts paid by the board of public works shall be paid by warrant or order drawn by the said board on the treasurer of the town of Wilson, which warrant shall constitute and be a voucher for such payment and shall state in its face for what purpose the said warrant or order is drawn and to what account it shall be charged.

Compensation.

Sec. 16. The compensation of the members of the board of public works because of the performance of their duties under this act in

the erection of the gas plant and telephone system shall be fixed by the board of commissioners of the town of Wilson.

Act effective on vote for bonds.

Sec. 17. If a majority of the qualified voters at the elections or election to be held hereunder shall vote "For Gas Plant" or "For Telephone System," or for both, this act shall be in full force and effect, and nothing herein shall be construed to make one of the propositions depend upon the other.

Propositions independent.

First coupons.

Sec. 18. The first interest coupons on both or either classes of bonds herein provided for shall be only for that amount of interest accruing from the date of the sale of said bonds to the first period herein fixed for the semiannual payment of interest, and the last interest coupon becoming payable on either or both classes of bonds shall be for that amount of interest accruing from the last regular period of payment of interest to the date of maturity of said bond or bonds.

Last coupon.

Sec. 19. All laws and clauses of laws in conflict herewith are hereby expressly repealed.

Sec. 20. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 339.

AN ACT TO ESTABLISH THE ANSONVILLE HIGH SCHOOL DISTRICT, TO PROVIDE FOR AN ELECTION IN SAID DISTRICT, AND TO EMPOWER THE TRUSTEES TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Territory.

Boundaries.

Section 1. That the territory embraced within the following boundaries, to wit, lying in Anson County, beginning at the mouth of Buffalo Creek and running thence down the Pee Dee River to Leak's Ferry; thence with the Leak's Ferry Road to the cross-roads near the Watkins or Robinson old gin-house place; thence in a southwesterly direction to Brown Creek iron bridge, where the Ansonville and Wadesboro public road crosses said creek; thence up the various courses of Brown Creek to the mouth of Jack's Branch; thence up the various courses of said Jack's Branch to the Ansonville and Polkton Road; thence in a northerly course to the southeastern corner of the Red Hill Special-tax School District; thence along the eastern line of said Red Hill Special-tax School District to Buffalo Creek; thence down the various courses of said creek to the beginning corner, shall be and the same is hereby constituted a public school district, to be known as the Ansonville High School District.

Ansonville high school district.

County commissioners to order election.

Sec. 2. That the board of county commissioners of Anson County are hereby authorized and required to order an election on the

Date for election. Notice of election. Question on tax. Limit of rate.

first Tuesday in May, one thousand nine hundred and thirteen, after four weeks notice in one or both weekly papers published in Anson County and at one public place in the town of Ansonville, at which shall be submitted to the qualified voters residing within said territory the question of levying on all polls and property therein an annual special tax, not to exceed forty cents on each hundred dollars valuation of property and one dollar and twenty cents on each poll, for the support and maintenance of the public schools in said district.

Appointment of registrar. New registration. Judges of election. Polling place. Canvass and returns. Record of returns. Law governing election. Proviso: notice of registration.

Sec. 3. That the said board of county commissioners shall appoint a registrar and order a new registration for said election, and shall appoint two qualified voters residing in said district as poll-holders and judges of said election, who, together with said registrar, shall hold said election at the time specified, at the usual polling place in the town of Ansonville, and shall canvass and judicially determine the result and certify the same to the board of county commissioners, who shall have the returns duly recorded in the office of the register of deeds of said county, and said election shall be held in all other respects in accordance with the general provisions of the election law of the State: *Provided*, that no notice of said registration shall be required, except such as said board of commissioners may order.

Ballots. Act effective if majority for tax. Levy and collection of tax. Sheriff liable on bond.

Sec. 4. At such election the voters in favor of the levying and collection of said tax shall vote a ballot on which shall be written or printed the words "For Schools," and those opposed shall vote a ballot on which shall be written or printed the words "Against Schools." If a majority of the qualified voters shall vote "For Schools," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected the taxes herein provided for, in the same manner and at the same time as other taxes of the county are levied and collected; and the bond of the sheriff or tax collector shall be responsible for said taxes to the same extent as it is liable for other taxes collected by him.

Trustees named. Terms of office. Appointment and term of successors. Vacancies.

Sec. 5. That the following persons shall constitute a board of trustees for said high school district: J. W. Griggs, J. F. Martin, J. F. Kelly, J. F. Ross, and L. L. Little. The term of office of the first named shall expire on the first Monday in July, one thousand nine hundred and fourteen; the term of the second named shall expire on the first Monday in July, one thousand nine hundred and fifteen; the term of office of the third named shall expire on the first Monday in July, one thousand nine hundred and sixteen, and the fifth named on the first Monday in July, one thousand nine hundred and seventeen; and their successors, as their respective terms of office shall expire, shall be appointed by the county board of education of Anson County for a term of five years from the date of appointment. All vacancies occurring

in the board of trustees by death, resignation, or otherwise shall be filled for the unexpired term by the county board of education of said county.

Time for organization of trustees. Organization. Treasurer. Treasurer liable on bond.

Sec. 6. That the said board of trustees shall organize within thirty days after the election, and shall elect a chairman and a secretary, and the Treasurer of Anson County shall be the treasurer of said board of trustees, and his bond shall be liable for all funds in his hands belonging to said high school district in the same manner and to the same extent as it is liable for other school funds.

Apportionment from general fund.

Sec. 7. That all funds apportioned to said district by the county board of education from the State and county school fund, and all funds derived from the special tax levied and collected under the provisions of this act, shall be turned over to said treasurer and placed to the credit of said Ansonville High School District, and shall be apportioned and used, under the direction of said board of trustees, for the support and maintenance of the schools in said district. No money shall be paid out by said treasurer except upon order of said board of trustees, signed by the chairman and secretary thereof.

Orders for payment of money.

Control and management of schools. Number of schools. Rules and regulations. Officers and teachers. Reports.

Sec. 8. The said board of trustees shall have control and management of all the public schools in said district, and may establish such number of schools as they may deem necessary, and shall have full power to make rules and regulations for the government thereof, and to employ and fix the compensation of all officers and teachers of said schools; and the proper officers shall be required to make to the State Superintendent of Public Instruction, the county superintendent, and the county board of education such reports as are required of other public schools by the public school law of this State.

Trustees incorporated. Corporate name. Corporate powers. Property vested in board.

Sec. 9. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate by the name and style of the "Board of Trustees of the Ansonville High School," and by that name may sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that the title of all public school property in the territory embraced in said high school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.

Majority vote for schools to authorize bond issue. Amount.

Sec. 10. If the majority of the qualified voters at the election herein provided for shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said high school district are in favor of granting to the board of trustees of the Ansonville High School District authority to issue bonds in the sum of four thousand five hundred dollars for the purpose of purchasing the necessary buildings and providing the necessary

equipment for said schools; and such authority shall be granted to and vested in said board of trustees, and said board of trustees are hereby authorized and empowered to issue and sell bonds, in the name of said high school district, to an amount not to exceed four thousand five hundred dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per centum, with interest coupons attached, payable at such time or times and at such place or places as may be deemed advisable by said board of trustees, such bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not less than five nor more than fifteen years from the date thereof, and at such place or places as said board of trustees may determine. The proceeds arising from the sale of said bonds shall be expended by said board of trustees in providing, by purchase or otherwise, such sites, buildings, and equipment as may be deemed necessary: *Provided, however*, that the Treasurer of Anson County shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.

Bond issue authorized.

Amount.

Denomination.

Interest.

Maturity.

Use of proceeds.

Proviso: no compensation to treasurer.

Payment of interest.

Sec. 11. That the said board of trustees are hereby authorized and directed to provide, first, for the payment of said bonds and interest thereon out of the funds arising and derived from the special tax hereinbefore provided for, and shall provide a sinking fund for the payment of said bonds when they shall become due, and are further authorized to invest said sinking fund in same manner and in the same class of investments as that in which guardians are authorized to invest the funds of their wards.

Sinking fund.

Investments of sinking fund.

Taxes heretofore levied.

Sec. 12. If the majority of the qualified voters at the election herein provided for shall vote "For Schools," then no other special tax for the support of schools shall be levied upon the property embraced within the territory described in section one of this act; otherwise any special tax shall be and remain as heretofore.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this 6th day of March, A. D. 1913.

CHAPTER 340.

AN ACT TO INCORPORATE THE TOWN OF NEW BERLIN IN COLUMBUS COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Application of general law.

Section 1. That the town of New Berlin in the county of Columbus be and the same is hereby incorporated by the name and style of New Berlin, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Sec. 2. That the corporate limits of said town be as follows: Beginning at the mouth of Lingston Branch and at the run of Levingston Creek, runs thence with said Lingston Branch to the dividing line between Columbus and Brunswick counties, runs thence with said line to the Big Branch, thence down the run of said Big Branch to the run of Levingston Creek, thence down the run of said Levingston Creek to the beginning. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners, and a marshal, and the commissioners shall have power to appoint a secretary and treasurer. Town officers.

Sec. 4. That said commissioners shall have and exercise all the corporate powers and duties conferred by the general law (Revisal one thousand nine hundred and five, chapter seventy-three and amendments thereto) upon commissioners of incorporated towns. Powers of commissioners.

Sec. 5. That said commissioners shall have power to levy for municipal purposes a tax which shall not exceed twenty cents on the hundred dollars worth of property and sixty cents on each poll. Taxing powers.

Sec. 6. There shall be an election for officers mentioned in this act on the first Monday in June, one thousand nine hundred and fourteen, and every year thereafter, under the same restrictions that county and State elections are held, and until an election is held on the first Monday in June, one thousand nine hundred and fourteen, the following persons shall fill said offices: Mayor, B. F. Applewhite; commissioners, S. Mitchell, M. A. Bordeaux, T. W. Pridgen, J. H. Wells, and Porter Hufham; marshal, D. D. Connor. Town elections. First officers named.

Sec. 7. That all laws in conflict with this act are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 341.

AN ACT TO AMEND CHAPTER 409 OF THE PUBLIC LAWS OF 1899, AND CHAPTER 573 OF THE PUBLIC LAWS OF 1903, AND CHAPTER 131 OF THE PRIVATE LAWS OF 1909, RELATING TO THE ESTABLISHMENT OF PUBLIC SCHOOLS IN WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Washington are hereby authorized and empowered to submit to the qualified voters in said city, at such time or times as may be deemed Election on increase of tax.

advisable by them, the question whether the annual tax now levied in said city for the support of public schools in said city shall be increased over and above forty-five cents on the one hundred dollars worth of property and one dollar and thirty-five cents on the poll, as heretofore authorized, and the said election shall be held under the same rules and regulations as govern the election of municipal officers in said city.

Ballots.

Sec. 2. That at the election held under the provisions of this act those favoring the levying of such increased tax shall vote a written or printed ballot with the words "For Schools" upon it, and those opposed to the levying of such increased tax shall vote a printed or written ballot with the words "Against Schools" upon it; that said election shall be advertised by said board of aldermen for thirty days prior to the date of said election in one or more newspapers in said city, and the said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by said board of aldermen, and who shall be the same as shall be appointed to hold the regular municipal election; and the returns of the result of said election shall be made and certified by the said election officers to the board of aldermen, and the result thereof shall be canvassed by the said board of aldermen and duly declared; that the same registration of voters in the regular municipal election shall be applicable to this election; that when the result of said election shall be canvassed and declared, as aforesaid, the same shall be taken as *prima facie* evidence of the regularity of said election and shall be deemed conclusive of the fact therein stated as to whether a majority of the qualified voters of said city shall have voted in favor of the said proposition; that the result of said election shall be certified by the mayor and the clerk of said board of aldermen, under the corporate seal, to the Secretary of State, who shall receive and file and record the same in his office.

Advertisement of election.

Election officers.

Returns.

Canvass of returns and declaration of result.

Registration.

Prima facie evidence.

Conclusive evidence.

Certificate to Secretary of State.

Levy of taxes.

Sec. 3. That if a majority of the qualified voters in said city shall vote at said election in favor of levying such increased tax for the support of the public schools in said city, it shall be the duty of the board of aldermen of said city and their successors to levy, at their first meeting in May following said election, and annually thereafter, a special tax of not exceeding fifty-five cents on the one hundred dollars valuation of real and personal property and other property taxed by the laws of North Carolina in said city and not exceeding one dollar and sixty-five cents upon each poll, observing the constitutional equation. Within the limitation above recited, the board of aldermen shall levy such a rate of tax upon property and polls as may be directed by the board of school trustees of the city of Washington, and said board of school trustees shall annually determine the amount of revenue necessary to be raised for school purposes, and the rate of taxation, and certify the same to the said board of aldermen

Limit of rate.

Constitutional equation.

Rate directed by school trustees.

Certificate of trustees.

prior to the regular time for levying said taxes. Said taxes shall be levied and become due and be collected annually by the city tax collector as and at the same time as other general taxes are levied and are due and collectible. Levy and collection of tax.

Sec. 4. That chapter four hundred and nine, Public Laws of one thousand eight hundred and ninety-nine, ratified on the sixth day of March, one thousand eight hundred and ninety-nine, and chapter five hundred and seventy-three of the Public Laws of one thousand nine hundred and three, and chapter one hundred and thirty-one, Private Laws of one thousand nine hundred and nine, ratified on the twenty-fifth day of February, one thousand nine hundred and nine, shall be and remain in full force and effect, except as modified by this act. Laws continued effective.

Sec. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 342.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TROY.

The General Assembly of North Carolina do enact:

Section 1. That section one of the Private Laws of North Carolina, session one thousand eight hundred and eighty-three, chapter one hundred and fifty-three, be amended by adding at the end of said section the following, to wit: That the following shall be and constitute the boundaries of said town of Troy: Beginning at a stake one-half mile due east from the center of the courthouse, and runs thence due north three-fourths of a mile to a stake; thence due west one and one-fourth miles to a stake; thence due south one and one-fourth miles to a stake; thence due east one and one-fourth miles to a stake; thence due north one-half mile to the beginning. Boundaries.

Sec. 2. That the aforesaid chapter one hundred and fifty-three of the Private Laws of session one thousand eight hundred and eighty-three be further amended by striking out all of section two and insert in lieu thereof the following: "That the officers of the town of Troy shall consist of a mayor and five commissioners, to be elected by ballot on the first Monday in May of each year, or on such other day as may be designated and set apart by the general laws of the State for municipal elections; also a town marshal, secretary-treasurer, to be chosen by the board of commissioners immediately after its organization, to Town officers.

hold for one year, or until their successors are elected or appointed: *Provided*, that banks and trust companies may be appointed and act as treasurer: *Provided further*, that they shall receive no commission for such services as treasurer; and it shall be the duty of the mayor to give notice of the election ten days previous thereto by posters written or printed and put up at three or more public places within the corporate limits of the said town. And if the board of commissioners of Montgomery County shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who, with himself, shall hold said election."

Proviso: bank as treasurer.
Proviso: no commission to treasurer.
Notice of election.
Appointment of inspectors.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 343.

AN ACT TO ALLOW THE TOWN OF DALLAS TO ISSUE BONDS FOR PUBLIC IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.
Denominations.
Amount.
Proviso: maturity.

Section 1. That the board of aldermen of the town of Dallas is hereby authorized and empowered to issue bonds in the name of the corporation of the town of Dallas in such denominations and form as may be determined by the said board of aldermen, to an amount not exceeding thirty thousand dollars ($30,000), payable at such times and places as the board of aldermen may prescribe: *Provided*, that the time and payment of such bonds shall not be less than thirty years from their date.

Interest.
Sale below par forbidden.

Sec. 2. That the said bonds shall bear interest at a rate not exceeding five per cent per annum, and the interest shall be made payable annually or semiannually, as the board of aldermen may prescribe, and said bonds shall not be sold nor disposed of for less than their par value.

Authentication.
Special tax.
Limit of rate.
Sinking fund.

Sec. 3. That said bonds shall be signed by the mayor of the town of Dallas and attested by the treasurer of said town and sealed with the corporate seal of the town of Dallas, and the coupons on said bonds shall bear the engraved or lithographed signature of said treasurer. The board of aldermen of the town of Dallas are hereby authorized and empowered to levy and collect a special tax not to exceed twenty-five cents on each one hundred dollars worth of property and seventy-five cents on each poll in said town for the purpose of paying the interest on said bonds as it becomes due, and they shall set aside from the taxes so collected the sum of three hundred and fifty dollars annually for the purpose of creating a sinking fund for the payment of

said bonds at their maturity, said sinking fund to be loaned each year by the said board of aldermen upon security to be approved by him at the legal rate of interest. Said special tax shall be levied and collected at the same time and in the same manner as the tax upon property and polls of the town: *Provided*, that the taxes collected under this act shall be used for no purposes other than those herein mentioned. It shall be the duty of the treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the board of aldermen the number and amount of the coupons so canceled.

Investment of sinking fund.

Levy and collection of tax.

Proviso: specific appropriation.

Reports of paid coupons.

Sec. 4. That said bonds shall be sold at public or private sale after such notice as the board of aldermen of the said town may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of said corporation of the town of Dallas, who shall give such bonds for the safe keeping and disbursing of the said funds as shall be required of him by the board of aldermen of the town of Dallas, and his compensation both for receiving and paying out the said funds shall be such as shall be fixed by the said board of aldermen. The proceeds from the sale of said bonds are to be used as hereinafter recited, and shall be used for no other purpose: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the purchase money.

Sale of bonds.

Proceeds turned over to treasurer.

Bond and compensation of treasurer.

Specific appropriation of proceeds.

Proviso: purchaser not responsible for application.

Sec. 5. That the said board of aldermen shall not issue the aforesaid bonds nor any of them nor collect the aforesaid tax until it shall have been authorized and empowered to do so by the votes of the majority of the qualified voters of the town of Dallas at an election to be held at such time and place as the said board of aldermen shall appoint, of which election notice shall be given by posting notice for thirty days at three public places in said town and by publication for four weeks in some newspaper published in said county. Said board of aldermen, before ordering any such election, shall determine by ordinance the purposes for which the bonds are to be issued, and said ordinance shall be recorded in the minutes of the board of aldermen, and notice of the election hereinbefore provided for shall clearly specify the purposes for which said bonds are to be voted, and the proceeds of the sale of any bonds issued under the provisions of this act shall be used for the purposes specified in such ordinance and notice of election, and for no other purpose whatsoever. No bonds shall be issued under this act except for the purpose of providing a system of waterworks, or for street improvements, or erecting or purchasing a town hall and other necessary public buildings. At any election held under the provisions of this act those electors favoring the issuing of said bonds and the levying and collecting of said taxes shall vote a ballot with the words "For Public Improvements" written or printed thereon, and those electors opposing the issue of said bonds and the levying and collecting of said tax shall vote a

Bond issue to be authorized by voters.

Election.

Notice of election.

Ordinance for bond issue and notice of election.

Use of proceeds.

Purpose of bond issue.

Ballots.

ballot with the words "Against Public Improvements" written or printed thereon. Said election shall be held as nearly as practicable in the manner prescribed for the election of mayor and aldermen of said town of Dallas. The original return, with the result of the election, shall be made by the election officers, or one of their number appointed by them for that purpose, to the board of aldermen of said town, and said board of aldermen shall, within three days after said election, canvass said return and declare the result of said election, and the result of said election shall be inscribed upon the records of the said town.

Law governing election.

Returns.

Canvass of returns and declaration and record of result.

New registration.

Declaration and record of result.

Notice for registration.

Sec. 6. That there shall be a new registration of the said town for the said election. It shall be the duty of the board of aldermen to appoint a registrar and to determine and declare the time and place for said election and to give due notice for the said new registration, name of the registrar, time and place of election, by posting notices at three public places in said town for at least thirty days prior to said election.

Reports and estimates submitted and published.

Sec. 7. That at some time before ordering the said election as provided for in section five of this act, the board of aldermen of the town of Dallas shall have submitted to them by competent engineers, contractors, or other persons competent to do so, reports and estimates of the work proposed to be done and the amount of the estimated cost of the same, which said reports and estimates said board of aldermen shall have posted in at least three public places in the said town for the information of the citizens.

Supervision of work.

Sec. 8. That the town of Dallas, through its proper officers and agencies, as provided in its charter, shall have the entire supervision of any works or improvements made under the provisions of this act.

Sec. 9. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 344.

AN ACT TO AMEND CHAPTER 222 OF THE PRIVATE LAWS OF 1911, ENTITLED AN ACT TO AMEND CHAPTER 89, PRIVATE LAWS OF 1907.

The General Assembly of North Carolina do enact:

Judges of election.

Section 1. That section two of chapter two hundred and twenty-two of the Private Laws of nineteen hundred and eleven, entitled "An act to amend chapter eighty-nine of the Private Laws of nineteen hundred and seven," be and the same is hereby amended by striking out in line three of said section the word "two" and inserting in lieu thereof the word "four."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 345.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE HALLSVILLE SCHOOL DISTRICT AND THE BEULAVILLE SCHOOL DISTRICT (WHICH IS SPECIAL-TAX DISTRICT), THE DIVIDING LINE COMMENCING AT MILLER'S BRIDGE ON THE CREEK, RUNNING THE ROAD TO THE BEULAVILLE ROAD, THENCE DOWN BEULAVILLE ROAD TO A. C. SANDLIN, TO AN OLD PATH LEADING BY J. G. BOSTIC'S TO MR. CARROLL'S, THENCE AN OLD PATH TO MUDDY CREEK ROAD.

The General Assembly of North Carolina do enact:

Section 1. That the boundary line between the Hallsville School District and the Beulaville School District be changed as follows: Beginning at Miller's Bridge on the creek, running the road to the Beulaville Road, thence down said road to A. C. Sandlin, to an old path leading by J. G. Bostic's to Mr. Carroll's, thence an old path to Muddy Creek Road. New line.

Sec. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 346.

AN ACT RELATIVE TO ENLARGING THE KINSTON GRADED SCHOOL DISTRICT BY SUBMITTING PROPOSITION TO THE VOTERS OF SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the city council of the city of Kinston shall on the first Monday in May, one thousand nine hundred and thirteen, call an election to be held on the first day of July, one thousand nine hundred and thirteen, at which election shall be submitted to the qualified voters of said city, and to the qualified voters of the following specifically described territory lying outside of the corporate limits of said city, the question of enlarging the Kinston Graded School District by annexing thereto said territory lying without the corporate limits of the city of Kinston, which is specifically described as follows: Beginning on the north bank of Neuse River, near Benjamin Fields', where the Hull Road if extended south would strike Neuse River, and runs north with the said road to a hickory near the Brown place; then in a direct line in a northeastwardly direction to a point where the road leading from Frank Rouse's by W. P. Jones crosses the

City council to order election. Date of order.

Date for election.

Question to be submitted.

Territory affected.

Boundaries.

Adkin; then down said Adkin to a point where the dividing line between George Rouse and P. A. Hooker intersects the Adkin; then with the said dividing line to the road leading from the Worth place to the Kinston-Snow Hill Road; then with the said road to the Kinston-Snow Hill Road; then with the Snow Hill Road towards Snow Hill to a road running by the Faulkner and Thomas Herring farms; then with the said road to the Phillips corner (now Lang); then with the said Phillips or Lang line to the Thomas Herring farm; then to the right or south with Thomas Herring's line to Dunn's Branch; thence down said branch to the road; then with the said road to the William Dunn house; then with the said road running from the William Dunn house to the S. H. Rountree house, till it gets to the Will Rountree line; thence with the line or lines on the north of his farm to Neuse River; then up Neuse River to Mrs. E. G. Outlaw's east line; thence in a southerly direction with her line or lines around to a corner between the said Mrs. E. G. Outlaw's, S. H. Loftin's, and Mrs. M. N. Loftin's; thence with Mrs. M. N. Loftin's south line or lines to J. N. Parker's line or lines; thence with Parker's to Mrs. G. W. Sutton's south line; thence with Mrs. G. W. Sutton's south line or lines to the Wilmington Road, Mrs. R. I. Sutton's line; thence in a southern direction with said road and Mrs. R. I. Sutton's line or lines to Mrs. Mollie Waller's line; thence with line or lines on the west side of her farm to her northwest corner on the road, also a corner between said Mrs. Mollie Waller and Mrs. J. F. Parrott; thence in a western course to Neuse River; thence down the river to a point opposite the city limits; thence across the river and with the said city limits to the west end of Manning Street extended; thence in a westerly direction to the beginning.

Voting precincts.

Sec. 2. That at said election there shall be two voting precincts, to wit, the qualified voters residing within the corporate limits of the city of Kinston shall vote at the Lenoir County courthouse, and the qualified voters residing outside the corporate limits of said city and in the territory specifically described in section one of this act as being outside of the city of Kinston shall vote at Sam Taylor's store, near the western end of the county bridge across Neuse River, about one mile below Kinston.

New registration.

Sec. 3. That at the meeting of the city council to be held on the first Monday in May, one thousand nine hundred and thirteen, at which meeting said election shall be called, it shall be the duty of the city council to order a new registration of the qualified voters of the territory specifically described in section one of this act, and being outside of the corporate limits of the

Election officers.

city of Kinston, and the city council shall at said meeting appoint a registrar for said territory, and two judges of election for each voting precinct as above named, and the said city council shall at said meeting do and perform any and all things nec-

essary and proper for the holding of said election. There shall be no new registration of the qualified voters of the city of Kinston. No new registration in city.

Sec. 4. The registration books shall be opened and closed as provided in section two thousand nine hundred and fifty-two of the Revisal of one thousand nine hundred and five of North Carolina, and the said election shall be held under the same rules and regulations not inconsistent with the provisions of this act as prescribed for town and city elections in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina. Registration. Law governing elections.

Sec. 5. That at said election the qualified voters of the city of Kinston and the qualified voters of the hereinbefore mentioned territory lying without the corporate limits of the said city shall vote tickets on which shall be written or printed the words, "For Enlarging the Kinston Graded School District," or "Against Enlarging the Kinston Graded School District," and the result of said election shall be determined under the same rules and regulations as govern and determine the result of the election of the mayor of the city of Kinston. Tickets.

Sec. 6. That if at said election a majority of the qualified voters of the city of Kinston and a majority of the qualified voters of the territory hereinbefore described lying without the corporate limits of the said city shall vote for enlarging the territory of the Kinston Graded School District, then and in that event thereafter the Kinston Graded School District shall be and include, in addition to the territory lying within the corporate limits of the said city of Kinston, that territory hereinbefore specifically described as lying without the corporate limits of the said city; but if a majority of the qualified voters of the said city or a majority of the qualified voters of the said territory lying without the corporate limits of said city shall vote against enlarging the Kinston Graded School District, then and in that event the boundaries of the Kinston Graded School District shall remain as now defined. Determination of result.

Sec. 7. If the Kinston Graded School District shall be enlarged as herein provided, then the territory annexed to said district as at present defined shall be annexed subject to all taxation for the purpose of the Kinston Graded Schools in all particulars. This shall include taxation for general school purposes, and for the purpose of paying the interest on all bonded indebtedness and to create a sinking fund for the retirement of bonds, if one shall be created, whether the said bonds are issued by the city of Kinston for school purposes or by the Kinston Graded School District; and the said annexed territory shall be subject to taxation for school purposes in all respects as if it had been originally a part of the Kinston Graded School District, and shall be so taxed. Taxation in annexed territory.

Levy and collection of tax.

Sec. 8. That if said Kinston Graded School District shall be enlarged as herein provided for, all taxes in that part of the district lying within the corporate limits of the city of Kinston shall be levied and collected as is now provided, but the taxes in the territory lying outside of the city of Kinston shall be levied and collected by the county authorities of Lenoir County.

Sec. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 10. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 347.

AN ACT TO ESTABLISH THE ROCKDALE PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Territory.

Boundary.

Section 1. That all the territory in Scotland County within the following described boundaries, to wit, beginning near the Peele homestead, at the intersection of the Wire Road and the State line, and runs thence in a southeasterly direction with said State line to a point where a straight line to the J. B. McColman place will exclude all the lands of D. D. Norton in North Carolina, said point being a corner of District Number One, the Mason Cross District for the white race; thence with the upper boundary of said District Number One in a direct line to the J. B. McColman place, where Preston Leggett now lives; thence along the road leading from said McColman place to Pate's Mill on Joe's Creek; thence down the run of Joe's Creek in a southeasterly direction to the confluence of Joe's Creek and Gum Swamp; thence up Gum Swamp to the mouth of Beaverdam Creek; thence up Beaverdam Creek to where it intersects with the public road leading from Laurel Hill to St. Johns Church; thence down said road towards St. Johns Church to the run of Brown's Branch near Elijah Gibson's residence; thence in a westerly direction with the run of said branch to a point two hundred yards beyond the said Elijah Gibson's residence; thence in a southerly direction to the northern edge of the Iron Monger Pond, to the second corner of the lands of the estate of Miranda Wright, deceased; thence with the said Wright line to its beginning corner; thence with the line between the estates of N. B. Gibson and Miranda Wright to a corner of the said estates; thence in a southwesterly direction with said Gibson line to a corner of the estate lands of N. B. Gibson and the lands of T. M. McLaughlin; thence with the dividing line between the lands of T. M. McLaughlin and

the estate lands of W. F. Gibson to a corner; thence with the various lines of the estate of W. F. Gibson, in a southwesterly direction, to the run of Joe's Creek; thence in a northerly direction with the run of said Joe's Creek to Wright's Bridge on the Wire Road; thence in a westerly direction along the center of said road to the beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as the Rockdale Public School District.

School district.

Rockdale public school district.

Sec. 2. That the board of county commissioners of Scotland County are hereby authorized and required to order an election within forty-five days after the ratification of this act; that thirty days notice of said election shall be posted at the postoffice in Gibson, at Pate's Mill, and at some public place in that portion of the above described territory lying east of Joe's Creek; that at such election there shall be submitted to the qualified voters residing within said territory the question of levying on all property and polls therein an annual special tax, not to exceed forty cents on each hundred dollars valuation of property and one dollar and twenty cents on each poll, for the support and maintenance of the public schools in said district.

County commissioners to order election.

Notice of election.

Election on special tax.

Limit of rate.

Sec. 3. That the board of county commissioners shall appoint a registrar and order a new registration for said election, and shall appoint two qualified voters residing in said district as poll-holders and judges of said election, who, together with said registrars, shall hold said election at the time and place said board of county commissioners shall specify in ordering said election, and shall canvass and judicially determine the results and certify the same to the board of county commissioners, who shall have the returns duly recorded in the office of Register of Deeds of Scotland County; said election shall be held in all other respects in accordance with the general provisions of the election law of the State: *Provided*, that after thirty days from the date of recording the returns as above provided, said records shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified: and *Provided further*, that no notice of said registration shall be required, except such as said board of commissioners may order.

Appointment of registrar.

New registration.

Judges of election.

Determination, certificate, and record of result.

Law governing elections.

Proviso: record conclusive evidence.

Proviso: notice of registration.

Sec. 4. At such election the voters in favor of the levying and collection of said tax shall vote a ballot on which shall be written or printed the words "For Schools," and those opposed shall vote a ballot on which shall be written or printed the words "Against Schools." If a majority of the qualified voters shall vote "For Schools," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected the taxes herein provided for, in the same manner and at the same time as other taxes of the county are levied and collected; and the bond of the sheriff shall be responsible for said taxes to the same extent as it is liable for other taxes collected by him.

Ballots.

Act effective if majority vote for schools.

Levy and collection of tax.

Sheriff liable on bond.

Trustees named.

Terms of office.

Election and term of successors.

Vacancies.

Proviso: trustees not officers.

Sec. 5. That the following persons shall constitute a board of trustees for said public school district: T. J. Adams, Harris Gibson, and W. F. Parker. The term of office of the first named shall expire on the first Monday in July, one thousand nine hundred and fourteen; the term of office of the second named shall expire on the first Monday in July, one thousand nine hundred and fifteen; the term of office of the third named shall expire on the first Monday in July, one thousand nine hundred and sixteen; and their successors, as their respective terms of office expire, by the county board of education of Scotland County for a term of three years from the date of appointment. All vacancies occurring in the board of trustees by death, resignation, or otherwise shall be filled for the unexpired term by the other members of said board of trustees: *Provided*, the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of this State.

Trustees to organize.
Organization.

Sheriff to be treasurer.
Sheriff liable on bond.

Sec. 6. That the board of trustees shall organize within thirty days after the election, and shall elect a chairman and a secretary, and the Sheriff of Scotland County shall be treasurer of said board of trustees, and his bond shall be liable for all funds in his hands belonging to said public school district in the same manner and to the same extent it is liable for other school funds.

Matriculation fee.

Sec. 7. That the said board of trustees are hereby authorized and empowered to levy and collect from each child entering the public schools of said district a matriculation fee of not exceeding the sum of one dollar at the beginning of each and every term, and the amount so collected shall be expended in defraying the incidental expenses of said schools.

Apportionment from general funds.

Orders on school funds.

Sec. 8. That all funds apportioned to said district by the county board of education from the State and county fund, and all funds derived from the special tax levied and collected under the provisions of this act, shall be turned over to said treasurer and placed to the credit of said Rockdale Public School District, and shall be apportioned and used, under the direction of said board of trustees, for the support and maintenance of the schools in said district. No money shall be paid out by said treasurer except upon order of said board of trustees, signed by the chairman and secretary thereof.

Powers of trustees.

Powers as to officers and teachers.

School census.

Sec. 9. That the board of trustees provided for by this act shall have exclusive control of the public school interests, funds, and property in the public school district, as hereinbefore provided, and shall prescribe rules and regulations for their own government not inconsistent with law; shall elect all teachers for said school and have power to dismiss the same for cause, upon a hearing regularly had, and shall fix the compensation of officers and teachers of said school annually; shall make an accurate census of the school population of said district, as required by the general

school law of the State, and do all other acts that may be lawful and proper to conduct and manage the school interests in said district.

Majority vote for schools to authorize bond issue.

Sec. 10. If the majority of the qualified voters at the election herein provided for shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said high school district are in favor of granting to the board of trustees of the Rockdale Public School District authority to issue bonds in the sum of five thousand dollars for the purpose of purchasing the necessary land and erecting thereon suitable buildings and providing suitable equipment for said schools; and such authority shall be granted to and vested in said board of trustees, and said board of trustees are hereby authorized and empowered to issue and sell bonds, in the name of said high school district, to an amount not to exceed five thousand dollars, of such denominations and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding five per cent per annum, with interest coupons attached, payable at such time or times and at such place or places as may be deemed advisable by said board of trustees, such bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not more than thirty years from date thereof, and at such place or places, as said board of trustees may determine. The proceeds arising from the sale of said bonds shall be expended by said board of trustees in providing, by purchase or otherwise, such sites, buildings, and equipment as may be deemed necessary: *Provided, however*, that the Sheriff of Scotland County shall receive no compensation for receiving the money which may be received from the sale of said bonds.

Amount.

Trustees to issue bonds.

Amount.

Interest.

Maturity.

Use of proceeds.

Proviso: no compensation to sheriff.

Provisions to be made.

For payment of interest.

Sinking fund.

Investment of sinking fund.

Sec. 11. That the said board of trustees are hereby authorized and directed to provide, first, for the payment of said bonds and the interest thereon out of the funds arising and derived from the special tax hereinbefore provided for, and shall provide a sinking fund for the payment of said bonds when they may become due, and are further authorized to invest said sinking fund in the same manner and in the same class of investments as that in which guardians are authorized to invest the funds of their wards.

Trustees incorporated.

Corporate name.

Corporate powers.

Property vested in trustees.

Sec. 12. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the name and style of "The Board of Trustees of the Rockdale Public School District," and by that name may sue and be sued, contract and be contracted with, acquire by gift, purchase, or devise, real and personal property, hold and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that the title to, and of, all public school property of whatever kind in the territory embraced in said public school district shall vest in said board of

trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.

Residence of trustees.

Sec. 13. That in the election or appointment of trustees as provided for in this act it shall be the duty of those exercising such power to so elect or appoint as to always have one trustee residing

Location of school building.

east of Joe's Creek and one residing west of Joe's Creek; that the board of trustees herein provided for shall locate and erect the new school building for the white race at Rockdale Springs.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 348.

AN ACT TO ALLOW THE CITY OF RALEIGH TO ISSUE BONDS FOR STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the city of Raleigh by and through the board of aldermen of the city of Raleigh is hereby authorized and em-

Denominations.

powered to issue bonds in the name of the city of Raleigh in such

Amount.

denominations and forms as it may determine and in amount not

Maturity.

exceeding five hundred thousand dollars, which bonds shall run for a period of not less than twenty years nor more than fifty

Interest.

years, as said board may determine, and bear interest at a rate not to exceed five per cent per annum, payable at such times and places as may be designated by said board of aldermen.

Coupon bonds; sale below par forbidden.

Sec. 2. Said bonds shall be coupon bonds, and shall not be sold at a price less than par, and said bonds and coupons shall be payable at such places as the board of aldermen may designate.

Authentication.

Sec. 3. Said bonds shall be signed by the mayor of said city, attested by its clerk, with its corporate seal thereunto affixed, and

Record of bonds.

shall be consecutively numbered, and the said clerk shall keep an accurate account of the same, including a record of the bonds sold, the number of the bonds purchased, the name of the purchaser, and the price received for the same, which account or accounts shall at all times be open to the inspection of the citizens of Raleigh at such times and places as is required of other records.

Authentication of coupons.

Sec. 4. That the interest on said bonds shall be represented by attached coupons, which shall be consecutively numbered and bear the lithographed or engraved facsimile of the signature of the mayor of said city, and shall show the amount, date and place of

Coupons receivable for dues to city.

their payment, and shall be received by the tax collector and treasurer of said city in payment of all taxes and dues of the said city.

Sec. 5. That said bonds and coupons shall be exempt from city taxation until after they have become due, but if not presented for payment when due shall not bear interest after the due date thereof. Exemption from taxation. Cessation of interest.

Sec. 6. That both the number of and the interest on said bonds shall be payable in gold coin of the United States of America of the present standard of weight and fineness, and said bonds may be sold by the said board of aldermen at public or private sale, and the purchaser shall not be required to see to the application of the purchase money, but in no case shall bonds be sold, hypothecated, or otherwise disposed of for less than their par value, and the money derived from the sale of any part or all of said bonds shall be used for no other purpose than that for which they are herein authorized to be issued. Payable in gold coin. Sale of bonds. Purchasers not responsible for application. Sale below par forbidden. Specific appropriation of proceeds.

Sec. 7. The funds derived from the sale of any or all of said bonds shall be used exclusively for the purpose of building, repairing, or improving the streets of the city of Raleigh, and one-fourth of the amount derived from the sale of said bonds shall be so expended in each of the four wards of the said city as so fixed at the date of the ratification of this act. Use of proceeds. Apportionment of funds.

Sec. 8. For the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the board of aldermen of the city of Raleigh, and it is hereby empowered and directed so to do, to levy and collect each year a sufficient special tax, together with the tax now levied and collected for street purposes upon all subjects of taxation in said city assessed, said special tax to be collected in the said city in the same manner and at the same time as other city taxes are collected, and the said tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and property shall be in the proportion required by the Constitution of the State of North Carolina, said constitutional equation at all times being observed. The additional special tax so collected under this act shall be turned over to the city treasurer, who shall give a sufficient bond for the protection of the same, and he shall keep said funds separate and apart from all other taxes, and the funds so derived shall be used for no other purposes than those provided herein. It shall be the duty of the treasurer of the city of Raleigh as said coupons are paid off and taken up to cancel the same and to report to the board of aldermen the number and amounts of the orders so canceled. Special tax. Collection of tax. Constitutional equation. Tax turned over to treasurer. Bond of treasurer. Funds kept separate. Cancellation and report of coupons.

Sec. 9. It shall be the duty of the treasurer of the city of Raleigh, together with the finance committee of the board of aldermen, to invest any and all moneys arising from the special tax under this act in the purchasing of said bonds at a price deemed advantageous by said city treasurer and the members of the finance committee of the board of aldermen; but in case said bonds cannot be purchased as herein provided, the said city treasurer Investment of sinking fund in purchase of bonds. Alternative investments.

and the finance committee of the board of aldermen may lend said amount or any part thereof in such sums as they may deem proper for a length of time not to exceed six months prior to the maturity of said bonds, taking as security for the payment thereof and for the interest thereon mortgages in the name of the city of Raleigh on sufficient real estate in the city of Raleigh, or bonds issued under this act may be taken as collateral security for such loans.

Execution of notes. The notes or evidences of debt given for any loan under this section shall be executed to and in the name of the city of Raleigh

Interest. and shall bear interest payable at least annually, at a rate not less than the legal rate of interest at the time such loan was made.

Deposit of funds not loaned. In case the treasurer of the said city and the members of the finance committee of said city shall not be able to lend any or all of said money, as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited in some bank in the city of Raleigh of undoubted solidity, at the

Investment of interest. best obtainable rate of interest, and any and all interest accruing from the investment of funds as above directed shall be invested

Proviso: personal interest of officers misdemeanor. in the manner above prescribed; but any mayor or any member of the board of aldermen of the city of Raleigh who shall be personally interested, directly or indirectly, in making or securing any of said loans shall be guilty of a misdemeanor.

Issue of bonds to be voted on. Sec. 10. That the board of aldermen shall not issue said bonds nor any of them, nor levy nor collect said tax, until it shall have been authorized and empowered so to do by a majority of the votes cast at an election or elections to be held at such times and

Notice of election. places as the said board shall appoint, and which notice shall be given for twenty days in some newspaper published in said city, and at such election or elections those favoring the issuing of said bonds or any of them as specified in the call of such election or elections and the levying and collecting of the tax for the payment

Votes. of such bonds and coupons, shall vote "For Bonds," and those

Proviso: new registration. opposed to it shall vote "Against Bonds": *Provided*, that the said board may, in its discretion, order an entirely new registration of voters.

Call for election. Sec. 11. That said board may call an election under this act at

Further elections. any time it may see fit, after giving proper notice, and the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same or other propositions to said voters at any other time when the board of aldermen may appoint; and the said board may continue to call elections under this act until the whole amount of five hundred thousand

Proviso: maximum of issue to be stated in call. dollars in bonds shall have been issued: *Provided, however*, that the said board shall in the resolution calling an election or elections and in the notice to the people of an election or elections herein, state the maximum amount of bonds to be issued under said election for the purpose for which said bonds are to be issued.

Time for payment of assessments on property. Sec. 12. That said board of aldermen may give to the property-owners in front of whose property said paving is done any number

of years in which to pay for said pavement as the board of aldermen may from time to time designate, and upon such terms as in the discretion of the board of aldermen may seem just and proper: *Provided*, the board of aldermen shall require every owner of real estate abutting any street that is to be paved to pay one-fourth of the cost of paving the street fronting such real estate. Proviso: apportionment assessed.

Sec. 13. All administrators, executors, and guardians or others acting in a fiduciary capacity are hereby authorized and empowered to invest the money intrusted to them in said bonds. Fiduciaries may invest in bonds.

Sec. 14. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 349.

AN ACT TO AMEND THE CHARTER OF THE NORTH CAROLINA AGRICULTURAL SOCIETY.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-two of the Revisal of North Carolina of one thousand nine hundred and five be amended by striking out section three thousand eight hundred and sixty-three of said chapter and insert in lieu thereof the following:

"Three thousand eight hundred and sixty-three. *Incorporated.* The North Carolina Agricultural Society as organized by a voluntary association on the eighth day of October, one thousand eight hundred and fifty-two, at the city of Raleigh, shall be incorporated under the name and style of the North Carolina Agricultural Society, and that J. L. Adams, Raleigh; S. B. Alexander, Charlotte; A. B. Andrews, Raleigh; Mrs. P. H. Andrews, Raleigh; William J. Andrews, Raleigh; K. P. Battle, Raleigh; L. J. Battle, Washington, D. C.; C. H. Beckwith, Raleigh; G. W. Blacknall, Jr., Raleigh; J. T. Blacknall, Raleigh; T. W. Blake, Raleigh; R. H. Bradley, Raleigh; T. H. Briggs, Raleigh; N. B. Broughton, Raleigh; J. G. Brown, Raleigh; J. A. Bryan, New Bern; J. L. Busbee, Raleigh; J. T. Busbee, Raleigh; Walter Clark, Raleigh; Mrs. W. T. Clowes, Waterbury, Conn.; W. R. Cox, Penelo; J. H. Crawford, Dunn; W. R. Crawford, Raleigh; Mrs. F. B. Dancy, Atlanta, Ga.; R. G. Dunn, Raleigh; C. B. Edwards, Raleigh; J. M. Ellington, Raleigh; W. J. Ellington, Raleigh; J. R. Ferrall, Raleigh; J. B. Grimes, Grimesland; W. A. Guthrie, Durham; James Harris, Youngsville; J. C. L. Harris, Raleigh; J. F. Harris, Raleigh; M. J. Hawkins, Ridgeway; L. D. Heartt, Raleigh; Miss Incorporation. Corporate name. Corporators.

F. E. Heck, Raleigh; G. C. Heck, New York City; Mrs. Amelia Heller, Richmond, Va.; C. J. Hunter, Raleigh; K. Beale Johnson, Cardenas; Armistead Jones, Raleigh; J. W. Jones, Forestville; T. L. Lassiter, Raleigh; R. B. Holman, Timberlake; G. W. Lawrence, Fayetteville; J. P. Leach, Littleton; M. T. Leach, Raleigh; Julius Lewis, Raleigh; G. E. Lougee, Durham; J. W. Marcom, Raleigh; W. T. McGee, Raleigh; J. S. McKee, Raleigh; W. H. McKee, Raleigh; Charles McNamee, Rome, Italy; John A. Mills, Raleigh; T. J. Mitchell, Raleigh; B. F. Montague, Raleigh; James Moore, Raleigh; F. O. Mooring, Raleigh; W. A. Myatt, Raleigh; Mrs. Mattie F. Myatt, Raleigh; John Nichols, Raleigh; M. T. Norris, Raleigh; W. H. Pace, Raleigh; W. H. Page, New York, N. Y.; J. S. Pescud, Raleigh; J. E. Pogue, Raleigh; I. M. Procter, Raleigh; J. T. Pullen, Raleigh; G. Rosenthal, Raleigh; M. Rosenthal, Raleigh; V. C. Royster, Raleigh; W. M. Sanders, Smithfield; Frank Stronach, Raleigh; A. H. Temple, Glasgow, Va.; V. E. Turner, Raleigh; B. J. Upchurch, Raleigh; H. C. Upchurch, Raleigh; S. D. Wait, Southern Pines; Mrs. John Ward, Raleigh; H. W. Watson, Raleigh; N. W. West, Raleigh; J. D. Whitaker, Atlanta, Ga.; R. I. Williams, Raleigh; B. P. Williamson, Raleigh; B. R. Williamson, Brooklyn, N. Y.; L. R. Wyatt, Raleigh; T. J. Young, Raleigh, who have heretofore been constituted life members of said society by virtue of the by-laws, rules and regulations of said society, and their successors chosen by virtue of said by-laws, rules and regulations, and F. B. Arendell, Raleigh; C. B. Barbee, Raleigh; H. B. Boyd, Warrenton; N. B. Broughton, Raleigh; J. A. Bryan, New Bern; L. S. Covington, Rockingham; John C. Drewry, Raleigh; Leo D. Heartt, Raleigh; A. L. Cox, Raleigh; R. B. Holman, Timberlake; George E. Hood, Goldsboro; C. W. Johnson, Chapel Hill; Julius Lewis, Raleigh; J. Van Lindley, Greensboro; Joseph Hyde Pratt, Chapel Hill; E. C. Smith, Raleigh; M. A. Smith, Kipling; R. C. Strong, Raleigh; J. F. Tayloe, Washington; W. F. Utley, Apex; F. T. Ward, Raleigh; W. E. White, Mebane; R. W. Winston, Raleigh; J. S. Wynne, Raleigh; J. O. Ellington, Raleigh; H. G. Chatham, Elkin; R. N. Sims, Raleigh; T. B. Upchurch, Raeford; Ashby L. Baker, Raleigh; J. R. Rogers, Raleigh; C. J. Hunter, Raleigh; J. C. L. Harris, Raleigh; W. N. Jones, Raleigh; A. A. Thompson, Raleigh; Ashley Horne, Raleigh; F. O. Mooring, Raleigh; I. M. Procter, Raleigh; Walter Clark, Raleigh; executive committee and all executive officers now incumbent *ex officio* members of the executive committee, including permanent and district vice presidents who have been appointed by the president of said society as members thereof by virtue of the by-laws, rules and regulations aforesaid, and their successors who shall be chosen by virtue of these said by-laws, rules and regulations, are hereby declared to be the corporators of the said North Carolina Agricultural Society, and as such shall succeed to all the property, rights, privileges, and

Succession to property, rights, privileges, and franchises.

franchises of the said North Carolina Agricultural Society, and under that name may sue and be sued, plead and be impleaded in the courts, may purchase, hold, accept, and convey real and personal property, may have and use a common seal, and do all other things necessary or convenient for carrying forward the business and affairs of the society not inconsistent with the laws of the State. Said society may also borrow money and make and issue its promissory notes, bills of exchange, bonds, and evidences of indebtedness for the purpose of said society, and to secure the payment of the same by deed of trust, mortgage, pledge, or otherwise upon its property; and the said North Carolina Agricultural Society may take and hold real and personal property to the value of one hundred and fifty thousand dollars for the purpose of said society. Corporate powers. Power to borrow money and secure payment. Power to hold property.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 350.

AN ACT TO AMEND CHAPTER 21, PRIVATE LAWS 1908, INCORPORATING THE TOWN OF MIDDLESEX IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter twenty-one, Private Laws of one thousand nine hundred and eight, be amended by erasing the word "four," in line two of said section, and inserting in lieu thereof the word "five," and by erasing the word "biennially," in line five of said section, and inserting in lieu thereof the word "annually." Aldermen. Annual elections.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 351.

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER FOR THE TOWN OF DALLAS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Dallas and all amendments thereof be and the same are hereby repealed: *Provided, however*, that the members of the present board of aldermen, the Present charter repealed. Proviso: present officers continued.

mayor, chief of police, city clerk, tax collector, treasurer, and all the appointive officers, except such as may be removed for cause or otherwise, shall continue to serve until their present term expires or their successors are elected and qualified.

Corporate limits.

Sec. 2. That the corporate limits of the town of Dallas shall be bounded as follows: Beginning at a stake one-half mile due east from the center of the public square, known as the Court Square, in said town of Dallas, and running due north one-half mile, thence due west one mile, thence due south one mile, thence due east to the line of the property now owned by the Morowebb Cotton Mills Company, to a point now the city limits, thence with the line of the property of the Worowebb Cotton Mills Company, extending said limits so as to include all the property now owned by said Cotton Mills, thence from the point now the city limits on said line due east one mile from southwest corner of said corporation, thence north one-half mile to beginning.

Town elections.

Sec. 3. That an election shall be held for the town of Dallas on the first Monday in May, one thousand nine hundred and thirteen, and annually thereafter, at which election there shall be elected by qualified voters of said town a mayor and five aldermen: *Provided*, that at each election each alderman then elected shall be a qualified voter of said town. That the election for said officers of the town of Dallas shall be conducted under the election law as is prescribed by the General Assembly of North Carolina for the election of State and county officers.

Mayor and five aldermen.

Proviso: aldermen to be voters.

Law governing elections.

Power to borrow money.

Sec. 4. That the board of aldermen shall have power to borrow money at all times for the necessary expenses of said town as may arise.

Term and oath of aldermen.

Sec. 5. On Tuesday after the first Monday in May, one thousand nine hundred and thirteen, the aldermen-elect, after having taken and subscribed before some person lawfully entitled to administer oaths, an oath or affirmation to support the Constitution of the United States and the Constitution of North Carolina and to faithfully perform the duties of their office (which oath or affirmation shall be entered upon the minutes of the corporation, subscribed as aforesaid, and attested by the officer administering the same), shall take their seats and continue in office until their successors shall have been elected and qualified. They shall organize and elect, for their term, one of their members chairman, who shall perform the duties of the mayor of the corporation in case the office of mayor is vacant or the mayor is sick or absent. The board shall fill vacancies caused by death, resignation, failure to elect, or otherwise, in any or all the offices, elective or appointive, which may occur during its term of office. Regular meeting of the board of aldermen shall be held on Tuesday night after first Monday in each and every month during its term of office at such hour as it may designate, and special meetings of the board may also be held on the call of the mayor, or a majority of the alder-

Organization.

Vacancies.

Regular meetings.

Special meetings.

men, and of every such meeting, when called by the mayor, all the aldermen then in the town shall be notified, and when called by a majority of the aldermen, such as shall not join in the call shall be notified. After said board shall have been first organized as hereinbefore provided, it may proceed to the appointment of a city attorney, street commissioner, chief of fire department, health officer, clerk, building inspector, and all such other officers, deputies, and assistants as may be deemed necessary for the proper government of the town, which officers so appointed shall hold their offices respectively during the term of the board appointing them and until their successors are appointed and qualified; subject, however, to be removed at any time, and others appointed in their stead, for misbehavior or neglect in office. The said board may fix the compensation of each of the officers appointed by them at such sum as they may deem proper, unless otherwise provided in this charter. Before acting as such, each of the appointed officers shall take an oath before some person authorized by law to administer oaths to faithfully discharge the duties required of him by the board of aldermen; and each shall execute a bond in such an amount as the board may require, with security to be approved by the board: *Provided*, that any bond herein required may be secured by any bonding or surety company authorized to do business in North Carolina. The bonds herein required of the secretary and treasurer and tax collector shall be renewed every year. The board may require the chief of police to perform the duties of building inspector without additional compensation.

Officers to be elected by aldermen.

Terms of office.

Removal for cause.

Compensation.

Officers to be sworn.

Bonds.

Proviso: bonding companies as security.

Renewal of bonds.

Building inspector.

Sec. 6. That the board of aldermen shall have power to make and provide for the execution thereof such ordinances for the government of the town as it may deem proper, not inconsistent herewith or with the laws of the land.

Power to make and enforce ordinances.

Sec. 7. That the board of aldermen shall have control of all the finances and of the property, real and personal, belonging to the town, and, among the powers hereby granted, shall have power and authority, by ordinance duly enacted:

Control of finances and property.

(1) To provide for the payment of any existing indebtedness and of any obligation that may from time to time be made by the town, and to appropriate funds for that purpose.

Payment of debt.

(2) To establish, construct, and keep in repair streets, sidewalks, bridges, culverts, drains and conduits in the town; to regulate the construction and use of the same, and to abate or punish any obstruction or encroachment thereon.

Establishment and maintenance of streets.

(3) To prevent excavations on any streets or sidewalks unless by permission of the board, or except under the direction of the street commissioner; to prescribe and exact fees for such privileges, and to require deposits as guarantee of the proper restoration of such street or sidewalk.

Excavations on streets and sidewalks.

(4) To provide for the lighting of the streets, public grounds and public buildings, and for furnishing light to the citizens of

Lights and light plant.

said town, by contract or otherwise, and to erect, own, and operate machinery, fixtures, appliances and appurtenances of every nature whatever necessary for said purposes.

Regulation of trains and street cars.

(5) To regulate the speed of all railroad trains, street cars, and locomotives within the town, and their stops at street crossings; to require said companies to keep the streets through which they run in repair, and to require all railroad companies or street railway companies to light the streets over or across which their trains or cars are operated, whenever deemed necessary; to prescribe the kind of light to be used, and to levy special taxes or assessments upon them for street improvement in the same manner as against abutting property-owners.

Gates or watchmen at railroad crossings.

(6) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary.

Construction and repair of tracks.

(7) To regulate and control the construction of railroad tracks, turnouts, and switches, and to require that they be constructed and laid so as to interfere as little as possible with ordinary travel and use of the streets, and to require that they be kept in repair.

Location of tracks.

To regulate and control the location of cable and street railroad tracks and all steam railroad tracks, and to require railroad companies of all kinds to construct at their own expense such bridges, turnouts, culverts, crossings, and other things as the board of aldermen may deem necessary.

Location and use of steam engines.

(8) To control and regulate the location and use of steam engines in the town, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

Automobiles and other vehicles.

(9) To regulate the use of automobiles, motor cars, motorcycles, or any other vehicles; to issue permits for the use of such vehicles, and to require the same to be numbered.

Inspection of foodstuffs.

(10) To provide for and regulate the inspection and quality of everything to eat and drink offered for sale in said town.

Inspection and license of dairies.

(11) To provide for the inspection of all dairies inside and outside of the town limits, doing business within the town, and charge and provide license fees; to regulate and maintain a standard for the quality of milk sold in the town and to provide for penalties for the violation thereof.

Standard for milk.

Slaughter-houses.

(12) To regulate, license, or prohibit the business of slaughtering animals in the town limits; to revoke such license for misconduct in business; to regulate or prohibit slaughter-houses which furnish meats to markets within the town.

Sanitary regulations.

(13) To require any owner or occupant of any dairy, grocery, blacksmith shop, stables, or slaughter-house to cleanse, repair, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

Public grounds.

Animals running at large.

(14) To establish and regulate public grounds, and to regulate, restrain, and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs, and other animals in the town, and to authorize the impounding and sale of the same for the costs of the proceed-

ings and penalty incurred, and to order the destruction of such as cannot be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto if provisions of the ordinance have been complied with.

Sunday ordinances.

(15) To pass ordinances for the due observance of Sunday and for the maintenance of order in the vicinity of churches and schools.

Fire department.

(16) To establish and own stations and other property for a fire department for extinguishing fires, and to provide for everything necessary for the regulation and maintenance of such department, and make such appropriation as it may deem necessary for the maintenance of military companies organized in the cities according to law.

Military companies.

Fire limits.

(17) To prohibit the erection, building, placing, removing, or repairing of wooden buildings within the fire limits; to prohibit the removal of any wooden building from one place to another within said limits, and require all buildings within said limits to be constructed with fireproof materials; also to prohibit the repairing of wooden buildings within said limits when the same shall have been damaged one-third of their value, and to provide the mode of ascertaining such damage; also to declare a nuisance all dilapidated wooden buildings which it deems dangerous on account of fire or otherwise, and to require the same to be removed in such manner as the board may direct.

Building regulations.

Poles.

(18) To provide for the inspection of the construction of all buildings in said town, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the town, and to cause the same to be changed, whether telegraph, telephone, electric light, or otherwise.

Inspection and sanitation of premises.

(19) To authorize one or more officers, agents, or employees of the town to enter in and upon all buildings and premises within the town to inspect and discover whether the same are dangerous on account of fire or in an unclean or unhealthy state; to cause all defects to be remedied and filth and trash to be removed, and to establish such regulations for the prevention and extinguishment of fires and the preservation of health as it may deem expedient.

Fire-escapes.

(20) To require the construction of suitable fire-escapes on or in auditoriums, schoolhouses, hotels, lodging-houses, factories, and other buildings, whether now built or hereafter to be built.

Chimneys and like structures.

Smoke nuisance.

(21) To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, boilers, furnaces, and other heating apparatus, and to cause the same to be removed and made safe; and to prevent the nuisance on account of dense smoke from such furnaces.

Doors, windows, and stairways in public buildings.

(22) To regulate the size, number, and manner of construction of doors, windows, and stairways of theaters, tenement-houses, audience-rooms, public halls, and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe, and speedy exit in case of fires, and sufficient light and air for the preservation of health.

Definition and abatement of nuisances.

(23) To define what shall be nuisances in the town, and to abate them by summary proceedings, and to punish the authors thereof by penalties, fines, or imprisonment.

Private drains, cesspools, sinks, and privies.

(24) To require the owners of private drains, cesspools, sinks, and privies to fill up, cleanse, alter, relay, repair, and fix and improve the same as they may be ordered by ordinances, and to impose penalties upon persons failing to do these things. If there be no person in town upon whom such order can be served, the town can have such work done, and the cost of the same shall be a lien on the property and taxed up against it and collected in such manner as the board may determine.

Cost of work a lien on property.

Cemeteries and burial regulations. Vital statistics.

(25) To establish and maintain one or more cemeteries, and to regulate the burying of the dead, the registration of births and deaths, direct and keep the returning of bills of mortality, and to impose penalties on physicians, undertakers, sextons, and others for any default in the premises.

Sewerage.

(26) To establish systems of sewerage and works for sewage disposal, and to extend and build the same beyond the corporate limits when deemed necessary.

Wiring, plumbing, and gas-fitting.

(27) To pass ordinances regulating the electrical wiring, plumbing, and gas-fitting in the town, and require all persons desiring to carry on the trade of electrical wiring, plumbing and gas-fitting to pass such examinations and possess such qualifications as may seem proper to said board.

Extensions by public-service companies.

(28) To compel any electric light company, gas company, telephone company, water company, and sewerage company or street railway company to run its poles, wires, pipes, mains, and tracks down any street and to extend same down and along said streets to such extent as may be deemed necessary by said board, notwithstanding any provision in any contract between the said town and any of said companies may provide to the contrary: *Provided*, the revenue from such extension shall equal six per cent per annum on the cost of such extension.

Proviso: revenue.

Fines, forfeitures, and penalties.

(29) To prescribe fines, forfeitures, and penalties for breach of any ordinance enforcing the powers granted in this charter, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Removal of night-soil. Assessments.

(30) To provide for the removal of night-soil within the town limits; to make reasonable assessments against either tenants, property or property-owners, for the purpose of effecting such removal, and such assessments shall be paid and collected as the

regular municipal taxes are paid and collected, and such assessments shall be a lien upon the property of such tenants or property-owners: *Provided*, such assessments shall not exceed one dollar and twenty cents per year per house and lot. Proviso: limit of amount.

Sec. 8. That for the violation of any ordinance made by said board of aldermen, it may prescribe penalties not exceeding fifty dollars for each offense, to be recovered before the mayor, and when judgment shall be given for any such penalty, the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of thirty days or until payment thereof shall be made. Penalties for violation of ordinances. Commitment to jail for nonpayment.

Sec. 9. That all penalties incurred by any minor for the breach of the provisions of this act or any ordinance passed in pursuance thereof shall be recovered from the parent, guardian, or master (if the minor be an apprentice) of such minor. Penalties incurred by minors.

Sec. 10. That it shall be unlawful for any mayor, alderman, commissioner, member of any executive board, or other officer of said town, directly or indirectly to become a contractor for work done for the town, or to become directly or indirectly personally interested in or to receive profits from purchase of supplies for any department of said town; and any such person so offending shall be guilty of a misdemeanor and be removed from office. Officers to have no personal interest in contracts. Misdemeanor.

Sec. 11. The board of aldermen may take such means as it deems effectual to prevent the entrance into the town or the spread of any infectious or contagious diseases; may stop, detain, and examine for such purpose every train, conveyance, or vehicle coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay endangers health, to be removed to the hospitals; may remove from town or destroy any furniture or other articles which may be suspected of being tainted or infected with any contagious or infectious disease or when there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease, and said board may levy a sanitary tax. Quarantine regulations. Hospitals. Removal of infected persons. Destruction of infected articles.

Sec. 12. The board of aldermen shall have power to lay out and open any new streets within the corporate limits of the town whenever by it deemed necessary, and shall have power at any time to widen, change, extend, or discontinue any street or streets or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn, appropriate, or use any lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. In case the owners of the land and the board of aldermen cannot agree upon a price, the board of aldermen shall appoint five freeholders, residents of the town of Dallas, who shall assess the land to be condemned and make report to the board of Powers as to streets. Power of condemnation. Procedure for assessment of damages.

aldermen. If the board of aldermen accept the said report, it shall pay or tender to the said landowner the amount assessed in legal tender of this country, and thereupon the title shall become vested in said board of aldermen and its successors. If the landowner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of the right to appeal or a suit *de novo* for damages against the corporation for the value of the land taken.

Right of appeal.

Landowners to furnish labor and material for sidewalks.

Sec. 13. The board of aldermen shall have the power to require any owner of real estate in said town, which fronts any street upon which a sidewalk has been established and graded, to furnish for paving or repairing the pavements of such sidewalk, as far as it may extend along said real estate, such labor and material as the board may direct, and to enforce such requirements with proper fines and penalties; and on failure of the owner to furnish said labor and materials within twenty days after notice by the chief of police to said owner, or, if the owner is a nonresident, to his agent, or if such nonresident have no agent in Gaston County, or if personal service cannot be made upon the owner or agent, then after publication by the chief of police for two successive weeks of a notice in some newspaper published in Gaston County, calling on the owner to furnish such labor and material for said paving or repairing, the board of aldermen may cause the same to be furnished and shall assess against the owner one-half of the full cost thereof, and upon failure or refusal of the owner to pay his part of the said cost, the board of aldermen is empowered and directed to assess the amount thereof upon the property and enter the same upon the tax list of said town for the current year; and the said assessments so entered on the said tax list shall constitute a lien on said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the corporation of the town of Dallas against said owner in the Superior Court of Gaston County in the nature of an action for foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said town from the owner thereof as aforesaid; if the owner does furnish the labor and material herein required the town shall reimburse him to the extent of one-half of the cost thereof.

Labor and material furnished by town at cost of owner.

Assessments a lien on lot.

Collection.

Reimbursement to owner.

Appointment and duty of finance committee.

Sec. 14. The board of aldermen shall appoint annually a finance committee, to be composed of three freeholders and citizens of the town, who shall examine the books, accounts, vouchers, and papers of the treasurer, clerk, chief of police, tax collector, street commissioner, and mayor, and make an itemized report in writing of receipts and disbursements to said board at its regular meeting in June, one thousand nine hundred and thirteen, and thereafter at its regular meeting in June of each year, which report the board of aldermen shall have published. That one member of said finance committee shall be of opposite political faith from that

Annual report.

Publication.

Political faith.

of the majority of the board of aldermen so appointing said committee. The said committee shall receive such compensation as the board may provide, not to exceed fifteen dollars. Compensation.

Sec. 15. The board of aldermen of said town may provide for the collection of vital statistics of the town by its health officers, and shall enact such laws and furnish such books as may be necessary to carry same into effect. Vital statistics.

Sec. 16. Each member of the board of aldermen shall receive a salary of one dollar for every regular meeting: *Provided*, they shall receive no pay for called meetings or meetings which they fail to attend. Salary of aldermen.

Sec. 17. That the mayor, in addition to any other duties which may be enumerated in this act, shall preside at the meetings of the board of aldermen (*Provided*, that in no case shall said mayor be allowed to vote at such meetings, except the vote of the board be a tie), and shall communicate in writing to the board, whenever it shall be deemed expedient by it, a general statement of the situation and condition of the town with respect to its government and improvement; he shall recommend to the board the adoption by it of all such measures connected with the police, street, and fire departments as he may deem expedient; he shall recommend the adoption of all such ordinances affecting the security, health, and cleanliness of the town as he may desire; he shall be vigilant and active in causing the laws and ordinances of the town to be duly executed and enforced; he shall have power and authority over the police force and general supervision over the street commissioners, with authority to direct them, and all town orders shall be countersigned by him. He shall be paid a salary not exceeding twenty-four dollars per annum from the general funds of the town, which salary shall be in full for all services rendered. Mayor to preside at meetings. Vote in settlement of ties. Statements. Recommendations. Enforcement of laws and ordinances. Authority over police and supervision of streets. Orders countersigned. Salary.

Sec. 18. It shall be the duty of the chief of police to serve such processes as are issued to him by the mayor for the violation of any of the town ordinances or the criminal laws of the State (*Provided*, he shall not be allowed to serve any civil process); he shall perform police duties under the direction of the mayor, and shall be subject to such regulations and shall perform such duties as the board of aldermen may prescribe; he shall preserve the peace by the suppression of all disturbances and the apprehension of all offenders, and shall have the power to summon as many persons as he may deem necessary to assist in the performance of the above duties; he shall collect all huckster and dog taxes levied by the board; he shall communicate each month to the board at its regular meetings, in writing, a full statement of all costs, fines, taxes, and fees collected by him and the police force, and the disposition made of same; he shall pay over to the treasurer of the town at least once a month all the moneys that may have been collected by him to and for the use of the city. Chief of police to serve criminal process. Enumeration of powers and duties. Monthly statements and settlements.

Bond.

Sec. 19. He shall give a bond with approved sureties in a penal sum to be fixed by the board of aldermen and payable to the corporation of the town of Dallas, conditioned to diligently perform all duties imposed upon him by virtue of his office and to faithfully pay to the treasurer all sums of money collected or received by him for the use of the town.

Compensation and fees.

Sec. 20. The compensation of the chief of police shall be fixed by the board of aldermen in such sums as they may see fit, and he shall receive all fees collected by him for services rendered in any court, said fees to be the same as allowed to deputy sheriffs, constables, and other officers, as fees by courts of North Carolina.

Enumeration of duties of police.

Sec. 21. It is hereby made the duty of the police department and force at all times of day and night, and the members of such force are hereby empowered, to specially preserve the public peace, prevent crimes, detect and arrest offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and places; to protect the rights of persons and property; to guard the public health, to preserve order at elections and all public meetings and assemblages, to regulate the movements of teams and vehicles in the streets, bridges, parks, public squares and public places and highways; arrest all street mendicants and beggars; to provide proper police attendance at fires; to assist, advise, and protect strangers and travelers in public streets and at railroad stations; to carefully observe and inspect all places of public amusement, all places of business having license to carry on such business, and to repress and restrain all unlawful or disorderly conduct or practices therein; to enforce and prevent the violation of all laws and ordinances in force in said town, and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses; to prevent as far as possible any injury to town property and buildings, streets and sidewalks; to summons as many persons as may be necessary to assist them in the performance of the above duties; to report to the chief of police any repairs needed, and to perform such other duties as may be required of them by the board of aldermen or the mayor or the chief of police or the trial justice; and they shall be liable to removal as elsewhere provided in this act.

Police liable to removal.

Entrance on premises.

Sec. 22. The police shall have power to enter the inclosure and house of any person without warrant when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of such person so offending, and, if necessary, to summons a posse to aid them, and all persons so summoned shall have like authority to enter and arrest.

Power to summon posse.

Duties of treasurer.

Sec. 23. It shall be the duty of the treasurer of the town of Dallas to receive and faithfully keep all moneys which shall be paid to him for the use and behalf of said corporation, and disburse the same according to an order given in obedience to a direc-

tion of said board appearing on its minutes; he shall keep a fair and correct account of all moneys so received and disbursed by him in a book kept for that purpose, showing from what source the money was received and for what purpose paid out, and shall submit said account to the board whenever required; he shall keep his accounts so that the tax levied and collected for each fund shall be separate, and shall pay out of each separate fund such amounts as are due the same, and when proceeds are paid over to him by an officer of the corporation they shall be credited to the fund for which the tax is levied to raise revenue for the same; he shall pay to his successor all moneys in his hands belonging to said corporation of the town of Dallas, and faithfully perform all duties imposed upon him as treasurer by the law and ordinances of said board of aldermen; the treasurer shall give a bond, payable to the corporation of the town of Dallas, in a sum to be fixed by the board of aldermen, with sureties to be approved by said board. For his services he shall receive two and one-half per cent of all moneys received by him and two and one-half per cent of all moneys disbursed by him, received in the ordinary manner from taxes and other regular sources of the town revenue, but not to apply to such moneys as the board of aldermen may from time to time borrow for the conduct of the town's business. For this he is to receive no percentage. He shall make a report of the funds coming into his hands at the end of his term, and for his failure to make this last report he shall be fined two hundred and twenty-five dollars, to be recovered by suit in the Superior Court, for which his bond will be responsible.

Accounts.

Settlements with successor.

Bond of treasurer.

Commission.

Report at end of term.

Penalty for failure.

Sec. 24. It shall be the duty of the town attorney to attend all meetings of the board of aldermen for the purpose of giving them such legal advice as may be necessary; to represent the town in all civil and criminal actions to which the town shall be a party; to advise the mayor of the town when requested so to do, and to prosecute any violation of the town ordinances before the trial justice. Said attorney shall receive such compensation as may be allowed by the board of aldermen.

Duties of town attorney.

Compensation.

Sec. 25. The street commissioner shall be vested with the power of a policeman, and it shall be his duty to keep in repair all the streets, alleys, highways, crossings, sidewalks, ditches, bridges, wells, pumps, drains, and so forth, within the town boundary, under the direction of the mayor; he shall have the power and it shall be his duty to tear down and remove any building or part thereof or awning or other obstruction to sidewalks, ordered to be torn down and removed by the board; he shall have at his disposal all labor due the town and shall be furnished with such material and tools, horses, carts, etc., as the board of aldermen may deem necessary, on requisition by him; he shall be subject to removal as elsewhere provided in this act.

Powers and duties of street commissioner.

Labor, material, and equipment.

Subject to removal.

Chief of fire department. Reports.

Sec. 26. The chief of the fire department shall have supervision of the fire department and shall make at each regular meeting of the board of aldermen a report of the expenses, labor, and general services thereof, the fires extinguished thereby, the estimated amount of property saved and destroyed, and all other matters as may be proper; he shall communicate in writing to the board when a building, occupied or unoccupied, store, dwelling, or other house within the limits of the corporation is a menace to property or is in an unsafe or dangerous condition; he shall be present at each fire and have control of the fire department; if he may deem it necessary to check the progress of any fire, he may lay hose across any street, railroad or railway or through any building, and he may cause any houses to be pulled down or blown up, and shall not be liable to any person for any damage caused thereby.

Reports of unsafe buildings.

Powers at fires.

Exercise of powers in absence of chief.

Should the chief of the fire department be absent from any fire, then the foreman of the fire company shall be vested with the powers herein conferred on the fire chief; and should they both be absent, the mayor shall be vested with the powers herein conferred on the chief.

Care of fire apparatus and hydrants.

Sec. 27. He shall see that all fire apparatus belonging to the corporation is kept in first-class condition for immediate service at all times and that all hydrants are inspected at least twice a year, and he shall perform any additional duties imposed upon him by the board of aldermen or the laws of the State.

Compensation. Subject to removal.

Sec. 28. His compensation shall be fixed by the board of aldermen for all services rendered, and he shall be subject to removal as provided elsewhere in this act.

Duties of health officer.

Sec. 29. It shall be the duty of the health officer to keep a record of the vital statistics of the town, to inspect the town prison and to attend professionally the town prisoners and such poor persons as in his judgment are deserving or likely to become a charge upon the town. He shall be under the control of the board of aldermen, and shall perform such other duties as may be required of him from time to time by the board. He shall receive such compensation as may be allowed by the board of aldermen for such services.

Control of board of aldermen.

Compensation.

Duties of building inspector.

Sec. 30. It shall be the duty of the building inspector to perform the duties required of other building inspectors as set out in subchapter eleven, chapter seventy-three of the Revisal of one thousand nine hundred and five, and such other duties as may be required of him by the board of aldermen.

Duties of town clerk.

Sec. 31. It shall be the duty of the town clerk to attend all meetings of the board of aldermen and keep the minutes of the proceedings of the board of aldermen and preserve all books, papers, bonds, reports, and bills which may be presented to the board, together with all other articles committed to his care during his continuance in office, and deliver them to his successor. He shall serve as tax lister for the corporation and shall make out the

Tax lister.

tax book from the abstract and make out the stubs in the tax collection book and turn the same over to the board of aldermen not later than the regular meeting in September of each year; and for the faithful performance of the duties as such clerk he shall give a bond in the sum of one thousand dollars, to be approved by the board of aldermen. He shall keep the order book and stub, and when the order is issued he shall not deliver the same to the payee until it is countersigned by the mayor, and he shall faithfully perform all other duties that may be imposed upon him from time to time by the board of aldermen. For such service he shall receive such sum as may be allowed by the board of aldermen. Bond of clerk. Order book and stub. Compensation.

Sec. 32. The board of aldermen shall have the power to annually impose, levy, and collect upon all real and personal estate within the corporate limits of the town a tax not to exceed seventy-five cents on real and personal property and two dollars and twenty-five cents on polls. Taxing power.

Sec. 33. The fire limits of the town of Dallas shall extend one hundred and fifty feet from the outside of the opposite sidewalk adjoining what is now known as the public square; same to extend to all property facing upon said public square. Fire limits.

Sec. 34. The clerk shall on the first Monday in May in each and every year make advertisement in each ward of the corporation of the town of Dallas, notifying all persons residing in the corporation who own or have control of taxable property in the town on the first day of June to return, on or before the last day of June, to him a list of all their taxable property in the corporation of the town of Dallas; said list shall state number of lots or parts of lots and all other property and polls now taxable or that may hereafter be made taxable by the laws of the State or ordinances of the town, and the list so returned to the said clerk shall be sworn to before him in like manner as other tax lists are sworn to. Advertisement for listing taxes. Items of list. Lists sworn to.

Sec. 35. And from the returns so made the clerk shall within thirty days from the expiration of the term for taking said list make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by the law for the collection of State taxes. And the said clerk shall copy in said book the assessments on file in the office of the register of deeds of all property within the corporate limits, which assessments may be revised, corrected, or amended by the board of aldermen. Tax books. Assessments.

Sec. 36. That the said clerk shall within the time hereinbefore recited from the returns of the tax lists make, to the best of his knowledge and belief, by comparing his books with the returns to the Register of Deeds of Gaston County of the list of assessments made by the county assessors and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in said corporation who shall have failed to return or list in the Lists of delinquents.

Forfeit for failure to list.

Revision of tax list.

Valuation of real estate.

manner and time aforesaid, and said persons so failing to list shall forfeit and pay a sum to be fixed by the board, not to exceed twenty-five per cent of the amount of the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have the power given to the board of county commissioners to revise the tax list, except to alter valuations of real estate; and shall, as near as may be, make the town tax list compare with the tax list given in to the county by citizens of the corporation of the town of Dallas upon all subjects embraced in both lists.

Failure to list misdemeanor.

Punishment.

Tax collector to prosecute.

Sec. 37. That all persons that are liable for poll tax to the said corporation and shall willfully fail to list their polls, and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor to the same extent as for failure to list State and county taxes, and on conviction thereof before the trial justice of Gaston County or any justice of the peace shall be fined not more than ten dollars, said fine to be collected in the same manner as other fines of the town are collected; and it shall be the duty of the tax collector of said corporation to prosecute offenders against this section.

Levy of taxes.

Delivery of assessment rolls.

Powers of tax collector.

Statement to town treasurer.

Penalty for nonpayment.

Sec. 38. That as soon as the clerk shall have furnished the assessment roll as provided, and the same shall have been revised or accepted by the board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation and place the assessment rolls in the hands of the tax collector for collection, who shall collect all taxes levied upon the poll and upon real or personal property. He shall have the same power to enforce and collect taxes as the Sheriff of Gaston County. He shall, when he has completed the tax book, which shall not be later than October first in each year, furnish the town treasurer with a statement of the amount due each separate fund according to the tax levied in each and every year. On the first day of February of each year after any tax is levied a penalty of five per cent on the amount of all taxes due and unpaid may be added to the taxes and collected in the same manner as the taxes, if the aldermen so order, which shall be in their discretion.

License taxes and market rents.

Monthly settlements.

Fine for failure to settle.

Sec. 39. That the tax collector shall sign all license granted by the board of aldermen and collect the money therefor; he shall collect all rents from the markets or other property of the town and all other taxes except the huckster tax and dog tax. He shall settle with the treasurer at the end of each month; he shall pay over to the treasurer such moneys as are collected by him for the account of each separate fund according to the tax levy of the corporation, and take the treasurer's receipt for the same to the account of each fund until the amount due the same from the tax levied by the board of aldermen either for licenses or other taxes is settled; on failure to settle at said time he shall be fined for

each failure the sum of ten dollars. He shall give bond, payable to the corporation of the town of Dallas, with surety, as hereinbefore provided, to be approved by the board, in the sum fixed by them. His compensation shall be four per cent on the amount collected in full for all services rendered; and if the town tax collector shall have been unable to collect any part of said taxes, by reason of the insolvency of any persons owing the same, or any other good reasons, he shall deliver to the board of aldermen a list of all such insolvents, delinquents, and all other taxes uncollected, and if the same is allowed, he shall be credited with the amount thereof, or as much as may be allowed. Bond. Commission. List of insolvents.

Sec. 40. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the county, or by public notice posted in three public places, if the property be personalty, and of thirty days if the property be realty. Collection by distress and sale.

Sec. 41. And the said collector shall have the right to levy upon and sell any personal property situated outside of the limits of the town within the county of Gaston belonging to a delinquent taxpayer of the town in order to enforce payment of taxes due the town by said delinquent. Levy on property outside of town.

Sec. 42. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain on the first day of March, and there is no other visible estate but such lot or land of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate; and thereupon the aldermen shall direct the same to be sold by the collector, after advertising for thirty days in some newspaper published in the county, which the collector shall do. Reports for sale of land. Order and advertisement for sale.

Sec. 43. And the collector shall divide the said land into as many parts as may be convenient (for such purpose he is authorized to employ a surveyor), and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereto. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person shall pay the whole of the taxes and expenses for the land, the same shall be struck off to the town, and if not redeemed as hereinafter provided, shall belong to said town in fee. Division and sale of land. Sale without division. Land struck off to town.

Sec. 44. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided and the purchasers thereof and the prices of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the town treasury subject to the demand of the owner. Return of proceedings.

Time for redemption.

Sec. 45. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent additional to the amount of taxes and expenses, and the purchaser shall thereupon convey to him all his interest in said land.

Conveyance of unredeemed land.

Sec. 46. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same to the purchaser or his assigns in fee by deed executed under the hand of the mayor and clerk, attested by the corporate seal; and the recital in such conveyance, or in any conveyance of land sold for taxes due the town that the taxes were due, or of any matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Recitals prima facie evidence.

Real estate of persons under disabilities.

Sec. 47. That the real estate of infants or persons *non compos mentis* shall not be sold for tax, and when the same shall be owned by such in common with other persons free of such disability the sale shall be made as provided in Revisal of one thousand nine hundred and five.

License taxes.

Sec. 48. The board of aldermen may levy a tax equal to the State tax upon all subjects taxed by the General Assembly for public purposes, and in addition to subjects and things taxed by the General Assembly for public purposes, the board of aldermen of the town of Dallas, North Carolina, shall have power to levy and collect each year a specified or license tax on the following subjects, to wit:

Organ grinders.

(1) On all organ grinders, a tax not to exceed ten dollars per annum.

Bill-posters.

(2) On any person, firm, or corporation who posts bills, circulars, cards, advertising, printed or written matter, or who distributes advertising matter of any kind, or distributes samples of any kind, or who paints signs, a tax not to exceed twenty-five dollars per annum or two dollars per day, and fifty cents per day for each helper. (This will not apply to residents of this city advertising their own merchandise, wares, etc., for their own benefit.)

Peddlers.

(3) On all agents selling pictures, maps, books, or other merchandise from house to house or from person to person, a tax not to exceed fifty dollars per annum.

Itinerant opticians, oculists, or medical specialists.

(4) On all itinerant opticians, oculists, or medical specialists, a tax not to exceed fifty dollars per annum.

Traveling dentists.

(5) On all traveling specialists who follow the business of extracting teeth, a tax not to exceed twenty-five dollars per annum.

Express companies.

(6) On all express companies, a tax not to exceed fifty dollars per annum.

Dealers in fireworks.

(7) On all dealers or venders in fireworks of any kind, a tax not to exceed twenty-five dollars per annum.

(8) On every broker, board of trade, or exchange dealing in cotton or grain futures, flour, coffee, or meat futures or futures of any other commodity of value, a tax not to exceed one hundred dollars per annum. Brokers dealing in futures.

(9) On all public auctions of horses, a tax not to exceed ten dollars per day. Horse auctions.

(10) On all bootblacks, a tax not to exceed one dollar per annum. Bootblacks.

(11) On each auctioneer, a tax not to exceed ten dollars per annum, and before exercising the duties as such he shall take a receipt therefor in the form of a license, and no other person shall be allowed to sell under an auctioneer's license. Auctioneers.

(12) On every two-horse hack or carriage running to the depot or elsewhere for reward, a tax not to exceed ten dollars per annum. Two-horse hacks.

(13) On every one-horse carriage or hack running to the depot or elsewhere for reward, a tax not to exceed eight dollars per annum. One-horse hacks.

(14) On each one-horse public dray, cart, or wagon, a tax not to exceed ten dollars per annum. One-horse drays.

(15) On each two-horse public dray, cart or wagon, a tax not to exceed twenty dollars per annum. Two-horse drays.

(16) On each electric light company selling or offering to sell electricity for lighting, heating, or power, a tax not to exceed two hundred dollars per annum. Electric light companies.

(17) On each dealer in fish or oysters, a tax not to exceed ten dollars per annum. Dealers in fish and oysters.

(18) On each gas company, a tax not to exceed two hundred dollars per annum. Gas companies.

(19) On all gift enterprises or persons whose business it is to sell prize candies, photographs, pictures, jewelry, or any other article with which a prize is offered as an inducement to buy, a tax not to exceed fifty dollars per annum. Gift enterprises.

(20) On showhouses where prizes are offered as an inducement to purchase tickets, a tax not to exceed twenty-five dollars on each exhibition. Prize showhouses.

(21) On all dealers in hides, furs, or bones, a tax not to exceed twenty dollars per annum. Junk dealers.

(22) On all ice-cream dealers, a tax not to exceed five dollars per annum. Ice-cream dealers.

(23) On every itinerant who deals in or puts up lightning rods, a tax not to exceed ten dollars per month or for less time. Lightning-rod peddlers.

(24) On each stand to sell lemonade, ice-cream, watermelons, fruits, or sandwiches on public occasions, a tax not to exceed ten dollars for the first day and one dollar for each day thereafter. Refreshment stands.

(25) On all persons or corporations who conduct so-called loan offices, or who carry on a business of loaning money on personal Loan offices.

property, watches, jewelry, household and kitchen furniture, by pledge or otherwise, a license tax of not less than one hundred dollars per annum.

Oil agents. (26) On every agent for the selling of kerosene or other oils, a tax not to exceed two hundred dollars per annum.

Lubricating oil agents. (27) On lubricating oil agents, an annual tax of not to exceed fifty dollars per annum.

Omnibus. (28) On every omnibus carrying passengers for hire, a tax not to exceed ten dollars per annum.

Moving-picture shows. (29) On every exhibitor of photographs, kinetographs, moving pictures or other like exhibitions, a tax not to exceed five dollars per week.

Takers of likenesses. (30) On every taker of likenesses, by whatever art, a tax not to exceed ten dollars per annum.

Engineer, surveyor, and real estate broker. (31) On every civil engineer or surveyor, real estate agent or broker, a tax not to exceed fifteen dollars per annum.

Itinerant venders of drugs and specifics. (32) On every itinerant vender of specifics or itinerants making prescriptions, or applications, administering medicine or drugs, for disease, a tax not to exceed fifty dollars per week.

Manufacturers and bottlers. (33) On all manufacturers of soda-water, or bottlers, a tax not to exceed fifteen dollars per annum.

Undertakers. (34) On all undertakers, a tax not to exceed twenty-five dollars per annum.

Veterinary surgeons. (35) On all veterinary surgeons, a tax not to exceed five dollars per annum.

Trading stamps. (36) On every person, firm, or corporation who sells or issues to any merchants or manufacturers any trading stamps or other devices to be redeemed by the person issuing, giving away, or selling the same, a tax not to exceed one hundred dollars per annum.

Billiard, pool, and bagatelle tables. (37) On every billiard, pool, or bagatelle table, a tax not to exceed fifty dollars per annum.

Ten-pin and bowling alleys. (38) On all ten-pin alleys or bowling alleys, a tax not to exceed fifty dollars per annum.

Animal shows. (39) On every exhibition of animals for reward, a tax not to exceed twenty-five dollars per annum.

Soda and mineral water fountains. (40) On every soda and mineral water fountain, a tax not to exceed five dollars per annum.

Peddlers. (41) On all peddlers of patent soap, medicine, ink, varnish, or other goods, wares, or merchandise which are not the products of manufacture in this State, a tax not to exceed twenty-five dollars per annum.

Lecturers. (42) On all lecturers for reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax not to exceed five dollars per lecture.

Waxworks and curiosities. (43) On all museums of waxworks, or curiosities of any kind, exhibitions for reward, a tax not to exceed five dollars per annum.

Itinerant physician, dentist, or chiropodist. (44) On every itinerant physician, dentist, chiropodist, a tax not to exceed ten dollars per annum.

(45) On each room or hall used as a theater or opera house, where public exhibitions or performances are given for profit, a tax not to exceed one hundred and fifty dollars per annum. Theaters and opera houses.

(46) On every traveling theatrical company giving exhibitions in any hall, tent, or other place not licensed as in the preceding subsection, whether on account of municipal ownership or for any other reason, a tax not to exceed ten dollars on each exhibition or performance, and the owner of the hall, tent, or other place shall be responsible for the tax. Traveling theatrical companies.

(47) On every exhibition of a circus, or show with a menagerie, to which the price of admission, including a reserved seat, exceeds seventy-five cents, for each or part of a day, a tax not to exceed three hundred dollars. Circus or menagerie.

(48) On every exhibition of a show or circus with a menagerie to which the price of admission, including a reserved seat, does not exceed seventy cents, but requiring more than fifteen cars for transportation, a tax not to exceed two hundred and fifty dollars for each day or part of a day. Circus and menagerie.

(49) On every exhibition of a show or circus with a menagerie to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but which does not require more than fifteen cars for transportation, a tax not to exceed fifty dollars for each day or part of a day. Circus and menagerie.

(50) Circuses charging not to exceed twenty-five cents admission, including reserved seats, a tax not to exceed twenty-five dollars for each day or part of day. Circuses.

(51) On each side-show to any circus or other show, whether attached to the show or not, for which a separate charge of admission is made, a tax not to exceed fifty dollars for each day or part of day. Side-shows.

(52) On every other show given under canvas, in which animals are exhibited, trapeze or juggling performances are given, or any other performances other than those already enumerated, a tax not to exceed fifty dollars for each day or part of day. Other shows under canvas.

(53) On every person, firm, or corporation acting as agent of another and engaged in collecting rents for compensation, a tax not to exceed ten dollars per annum. Rental agents.

(54) On every person, firm, or corporation engaged in and conducting the business of selling coal, at wholesale or retail, a tax not to exceed ten dollars per annum. Coal dealers.

(55) For every person, firm, or corporation collecting accounts, notes, bills, or money for one person in favor of another as a regular organized collecting agency, a tax not to exceed twenty-five dollars per annum. Collection agencies.

(56) On every person, firm, or corporation who keeps horses or mules to hire or let, with or without vehicle, a tax not to exceed twenty-five dollars per annum. Horses or mules for hire.

Horse dealers. (57) On every person, firm, or corporation who buys or sells horses or mules as a business or for profit, a tax not to exceed twenty-five dollars per annum.

Commission merchants and brokers. (58) On every commission merchant, broker, or dealer buying or selling goods or merchandise on commission, a tax not to exceed fifteen dollars per annum.

Sewing-machine dealers. (59) On every person, acting as the agent of another in selling sewing machines, or any manufacturer selling sewing machines, within the city, a tax not to exceed twenty-five dollars per annum.

Peddlers defined. (60) Any person who shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same, or who actually sells or barters the same, shall be deemed to be a

Tax. peddler, and shall pay a license tax as follows: Each peddler on foot, a license tax not to exceed twenty-five dollars per annum. Each peddler with horse or mule or ox, with or without vehicle, or with a vehicle propelled by any other power, a tax not to exceed

Itinerant salesmen. one hundred dollars per annum. On every itinerant salesman who shall expose for sale, either on the street or in a house rented temporarily for that purpose, goods, wares, or merchandise, a tax

Exceptions. not to exceed one hundred dollars per annum. These sections shall not apply to those who offer for sale periodicals, printed music, ice, fuel, fish, vegetables, fruits, or other articles of the farm or dairy.

Gypsies. (61) On every company of gypsies or strolling bands of persons living in wagons or tents or otherwise, who trade horses and receive reward for pretending to tell fortunes, a tax not to exceed one hundred dollars per annum.

Hotels. (62) On each hotel charging not more than one dollar per day, a license tax not to exceed ten dollars per annum.

Hotels. (63) On each hotel charging more than one dollar per day, a license tax not to exceed twenty-five dollars per annum.

Slot machines. (64) On each slot machine wherein is kept any article to be purchased by depositing in the machine any coin or thing of value, a tax not to exceed five dollars for each machine per annum.

Slot machines. (65) On each machine wherein may be seen pictures or any music may be heard by depositing in the machine anything of value, and each weighing machine and each machine for the use of making stencils operated by slot, wherein money or other thing of value is to be deposited, a tax not to exceed two dollars and fifty cents on each machine per annum.

Amusements. (66) On every merry-go-round, hobby-horse, switchback railway, shooting gallery, or place for any other game or play, with or without name (unless used for private amusement), a tax not to exceed twenty-five dollars per annum.

Dealers in weapons. (67) On each merchant, storekeeper, or dealer who shall keep in stock, sell or offer for sale, any pistol, metallic pistol cartridge, bowie knives, dirk, dagger, sling-shot, loaded cane, or brass, iron, or metallic knuckles, a tax not to exceed ten dollars per annum.

(68) On any person, firm, or corporation selling pianos or organs, a tax not to exceed twenty-five dollars per annum. Dealers in pianos or organs.

(69) On every dealer or merchant selling cigarettes, a tax not to exceed five dollars per annum. Cigarette dealers.

(70) On every telegraph company, a tax not to exceed twenty-five dollars per annum. Telegraph companies.

(71) On every telephone company, a license tax not to exceed one dollar for each telephone in use per annum. Telephone companies.

(72) On all pawnbrokers, a license not to exceed fifteen dollars per annum. Pawnbrokers.

(73) On each Chinese or steam laundry, a license tax not to exceed ten dollars per annum. Laundries.

(74) On any agent for any out-of-town laundry, a tax not to exceed twenty-five dollars per annum. Laundry agents.

(75) On each skating rink, a tax not to exceed ten dollars per annum. Skating rink.

(76) On each butcher, a tax not to exceed one hundred dollars per annum. Butchers.

(77) On each water company, a tax not to exceed two hundred dollars per annum. Water company.

(78) On each sewerage company, a tax not to exceed fifty dollars per annum. Sewerage company.

(79) On each male dog, a tax not to exceed one dollar per annum. Male dogs.

(80) On each female dog, a tax not to exceed five dollars per annum. Female dogs.

(81) On each person who shall go upon the property of any railroad company and solicit the carrying of baggage, trunks, valises, or any other articles for which the said solicitor is to receive compensation, a tax not to exceed five dollars per annum. Porters.

(82) On each street railway company, a tax not to exceed two hundred dollars per annum. Street railway companies.

(83) On each dealer in fresh meats, a tax not to exceed one hundred dollars per annum. Dealers in fresh meat.

(84) On each restaurant or eating saloon, a tax not to exceed twenty-five dollars per annum. Restaurant and eating saloon.

(85) On each electrician, a tax not to exceed twenty-five dollars per annum. Electrician.

(86) On each plumber and pipe-fitter, a tax not to exceed twenty-five dollars per annum. Plumbers and pipe-fitters.

(87) On every pressing club, or other place for the cleaning or dyeing of clothes, a tax not to exceed ten dollars per annum. Pressing clubs.

(88) On every stallion or jack serving mares within the corporate limits, a tax not to exceed twenty-five dollars per annum. Stallions or jacks.

(89) On each piano or organ repairer or tuner, a tax not to exceed ten dollars per annum. Piano or organ tuners.

(90) On all other subjects taxed by the laws of the State unless specifically exempted from municipal taxation, such tax as the board of aldermen may see fit, not to exceed that levied by the State. Other subjects.

Dairies.

(91) On all dairies selling milk in the town, a tax not to exceed ten dollars per annum: *Provided*, that all persons owning three or more cows and selling milk in the town shall be construed a dairy for the purpose of this section.

Proviso: dairy construed.

License tax not transferable.

Sec. 49. No license tax enumerated in section fifty-three of this act when issued shall be transferable.

License not refunded.

Sec. 50. No license tax enumerated in section fifty-three of this act when issued and levied shall for any cause be refunded to the payer of that license tax.

License territory.

Sec. 51. The board of aldermen shall have the power to levy any and all of the above mentioned license taxes on any person, firm, or corporation carrying on any of the trades, professions, etc., set out in the preceding section, within one mile of the corporate limits of the said town.

Collection of license taxes.

Sec. 52. That the license tax provided for in this act shall be collected by the collector of taxes, and if not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed or any property of the owner may be forthwith detained and sold to satisfy the same, as provided in this charter for the collection of other taxes by distress, or such other penalty enforced as provided for by the city ordinances.

Sec. 53. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 54. That this act shall be in effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 352.

AN ACT GRANTING A CHARTER TO THE CITY OF HENDERSONVILLE, IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

CORPORATE NAME; BOUNDARIES.

Corporate name.

Section 1. That the name of the town of Hendersonville, in Henderson County, be changed to The City of Hendersonville,

Boundary.

which shall be a municipal corporation, with the same boundary limits as heretofore provided for the town of Hendersonville, viz., extending one mile in all directions from a point in front of the present county courthouse, which was the center of the old courthouse torn away in the year one thousand nine hundred and four.

CORPORATE POWERS.

Corporate powers.

Sec. 2. The city of Hendersonville shall have all of the rights, privileges, powers, immunities, and liabilities which are conferred upon or are incident to incorporated cities and towns by virtue

of the law of the land, and especially by chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, and all such as are created, limited, modified, or extended by this act; and whenever this act may be in conflict with or repugnant to the general laws of the State applicable to cities and towns, then this act shall govern and control in so far as the rights, privileges, powers, immunities, and liabilities of the city of Hendersonville are concerned.

Execution of corporate powers.

Sec. 3. The corporate powers of the city shall be vested in and exercised by a board of commissioners composed of six qualified voters of the city.

Power to acquire and hold real estate.

Sec. 4. The city shall have the right and power to acquire, own, rent, or lease such lands and in such amounts as in the judgment of the commissioners may be necessary for the welfare or convenience of its citizens or other corporate purpose, whether the said lands be situated within or without the corporate limits of the city; that the city may acquire, purchase, rent, or lease or sell the same in the manner which may be deemed best and advisable by the commissioners.

Power to condemn land.

Sec. 5. The city shall have the right to condemn lands or other property for public purposes, paying a just compensation for the same; and in all condemnation proceedings no land or other property shall be taken without due notice to the owner thereof, and the amount to be paid the owner shall be ascertained by three freeholders of the city, one to be chosen by the commissioners, one by the property-owner, and one by these two. The said freeholders shall be duly sworn by a person qualified to administer oaths, lawfully and impartially to perform the duties assigned to them and a true report to make of the same to the commissioners; and such report, on being confirmed by the commissioners, shall have the force and effect of a judgment against the city for the amount therein specified and shall have the effect of passing the title of the said property to the city, and may be used at once by the city for the purposes for which it was condemned: *Provided*, that if the person whose property is thus taken, or the commissioners, be dissatisfied with the valuation thus made, then in that case either the property-owner or the commissioners for the city shall have the right of appeal to the Superior Court, where the whole matter shall be heard *de novo*, and such appeals shall be perfected according to the analogy of appeals from a justice of the peace or the county commissioners: *Provided further*, that when the property to be condemned be situated without the corporate limits of the city the condemnation proceedings shall be the same as prescribed by law for acquiring right of way by railroad companies: *Provided further*, that an appeal to the Superior Court shall not hinder or delay the commissioners from opening, widening, or improving any street, or making any other public improvement during the pendency of such appeal.

Proceedings for condemnation.

Effect of report.

Proviso: right of appeal.

Proviso: proceedings for condemnations outside of city.

Proviso: appeal not to delay work.

Power to pass ordinances.

Sec. 6. The city is fully authorized and empowered to pass all such ordinances, resolutions, or orders which the commissioners may deem necessary or expedient for the preservation of the peace, good order, decency, health, morals, protection, preservation, welfare, and well-being of the inhabitants of the city or its property, not inconsistent with the statutes and Constitution of the State and the law of the land. And all ordinances of the town of Hendersonville now in force and effect shall remain in full force and effect until duly repealed, amended, or modified.

Existing ordinances.

Property and rights revested.

Sec. 7. All property, rights, demands, rights of action belonging to or appertaining to the town of Hendersonville shall inure and belong to the city of Hendersonville, and shall in no way be prejudiced or affected by this act except to confirm the same in the city of Hendersonville, and the city of Hendersonville shall in all things be considered to be the successor of the town of Hendersonville; and no action or proceeding against the town of Hendersonville or by the town of Hendersonville shall abate by reason of this act, but shall proceed to judgment as if the said city had been named originally in said action or proceeding.

Pending litigation.

EVIDENCE OF ORDINANCE.

Printed ordinances prima facie evidence.

Sec. 8. All ordinances, resolutions, or orders of the said city when printed by its authority shall be *prima facie* evidence of their authenticity in all the courts of this State.

ELECTION OF MAYOR AND COMMISSIONERS.

Election of mayor and commissioners.

Sec. 9. A mayor and three commissioners shall be elected on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, for the term of two years; and the three commissioners whose terms of office shall expire in one thousand nine hundred and fourteen shall hold office until their successors are elected and qualified; and on the first Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and biennially thereafter, there shall be elected a mayor and six commissioners for the term of two years. All vacancies which may occur in the office of mayor or commissioner shall be filled until the next regular election, by election by the commissioners then in office.

Vacancies.

ELECTIONS.

Law governing elections.

Sec. 10. All elections shall be held according to the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina and the amendments thereto whenever made.

SIDEWALKS AND STREETS.

Control over streets.

Sec. 11. The city shall have complete power and control over its public streets, sidewalks, alleys, and avenues; and may improve, open, alter, and ornament the same, and may pass appro-

priate ordinances regulating the same and the traffic thereon and the use thereof by individuals or corporations.

Sidewalks at cost of abutting property.

Sec. 12. The commissioners shall have power by ordinance or resolution to order sidewalks to be paved in the dimension, manner, and material prescribed by such ordinance or resolution, and the expense thereof to be paid by the persons whose property abuts on such proposed sidewalk, after the city at its own expense has already graded and curbed the said sidewalk; and no such sidewalk shall be ordered to be paid for by such property-owners except where the said sidewalk is to be in continuation of or adjoining some permanently paved sidewalk already in use and operation. The costs of said sidewalk shall be paid for by the said property-owners in proportion to the amount of sidewalk laid along their several premises; and if the said property-owners shall fail, neglect, or refuse when so ordered, after due notice, then in that case the city may proceed to lay the same and charge the costs thereof to the said property-owners in the proportion above mentioned, and said costs shall constitute a lien upon said property abutting on said sidewalk until the same shall be paid, and shall also constitute a personal debt to the city; and the commissioners are authorized and empowered to prescribe in such ordinances or resolutions or orders such times and in what installments the cost of said sidewalks shall be paid.

Limitation of power.

Apportionment of cost.

Pavement by city on default of owners.

Costs a lien on property.

Regulation of pavement.

Petition for paving streets.

Sec. 13. Whenever a majority of the property-owners in any section or block of the city shall petition the commissioners in writing to pave the street along and abutting on their property, it shall be the duty of the commissioners to grant such petition and to order such paving to be made, and to charge the costs thereof according to the proportion laid along their respective properties as in the case of sidewalks above mentioned in the preceding section, one-third to be paid for by the property-owners on one side of the street, one-third by the property-owners on the other side of the street, and one-third by the city; and the amount to be paid by each property-owner shall constitute a lien on his said property and also a personal obligation until paid as in the case of sidewalks; and the city may by proper ordinance or resolution prescribe at what times and in what installments said amounts shall be paid: *Provided*, that no such petition shall be granted except where the proposed paving is to be in continuation of or adjoining permanent paving already made and in use and operation: and *Provided*, that in case the city shall issue bonds or other obligations in order to meet the expenses of such paving, such bonds or obligations shall not be considered to be within the limitations of or affected by the provisions of section two thousand nine hundred and seventy-seven of the Revisal of one thousand nine hundred and five of North Carolina; and nothing in this section shall prevent the city from paving any street at its own expense altogether under the general authority of law.

Order for paving.

Apportionment of costs.

Assessments a lien on property.

Proviso: continuous paving.

Proviso: limitation on bond issue abrogated.

Paving at sole expense of city.

Improvements by railway or street railway companies.

Sec. 14. Whenever the city shall order any improvement by way of filling, grading, paving, or otherwise improving any street, avenue, or alley on which there are railway or street railway tracks, it shall upon due notice to the owners or operators, or their agents qualified to be served with a summons to his principal, require them to fill, grade, or pave that portion of the street, avenue, or alley lying between the said tracks and one foot immediately outside of each rail with such material and in such manner as may have been provided for the improvement of the portion of said street, avenue, or alley adjacent and contiguous to said tracks; and if the owners or operators of said tracks shall fail, neglect, or refuse to make such improvement, the city may make the same and charge the costs thereof to the said owners or operators, and such costs shall constitute a debt to the city and a lien on the roadbed and franchise of the said owner, and may be enforced and collected by appropriate action. The commissioners shall have power by ordinance to regulate the speed of all engines, trains, or cars running or operating within or through the city limits, and to require under suitable pains and penalties and punishments all corporations or persons owning or operating the same to keep all crossings in a good state of repair from curb to curb where its tracks cross any street, avenue, or alley, and to keep the same in conformity with the grade of such street, avenue, or alley, and shall make and maintain an adequate system of drainage at all such crossings.

Enforcement of collection.

Speed regulations.

Crossings.

Drainage.

SCHOOLS, LIBRARY, AND HOSPITALS.

School acts made part of charter.

Sec. 15. Chapter two hundred and sixty-six, Public Laws of one thousand eight hundred and ninety-five, entitled "An Act to Provide for a Graded School in the Town of Hendersonville, North Carolina," and all amendments thereto as now in force and effect, are hereby incorporated in and made a part of this charter, except as the same may be hereafter changed or modified. The commissioners are authorized to make annual appropriations for the support of free public libraries and hospitals.

Appropriations for libraries.

Enforcement of school attendance.

Sec. 16. The commissioners shall have power, and are required, to pass such ordinances and regulations as shall be adequate to compel children between the ages of eight and sixteen to attend a school where instruction is given at least in the ordinary branches; and shall make proper provisions for the excusing from attendance of such children whose health or mental condition would make it unwise or inadvisable for them to attend, and for the excusing of such children between the ages of twelve and sixteen whose labor or employment is absolutely necessary for their support or the support of those dependent upon them; and the commissioners shall provide appropriate penalties or punishments for all parents, guardians, or those in lawful charge of such children who shall willfully fail, neglect, or refuse to obey

Excuses for non-attendance.

Penalties and punishments.

any ordinance made in pursuance of this section, and such parents, guardians, or persons shall be fined not less than five dollars nor more than twenty-five dollars for each offense.

WATERWORKS AND SEWERAGE.

Waterworks and sewerage.

Sec. 17. The city is authorized and empowered to acquire, own, lease, operate, and control a system of waterworks and sewerage adequate to the use of its citizens and the public welfare, and to make ordinances regulating and controlling the same and the use thereof, and to make reasonable charges for the use and consumption of water and for making sewer connections.

Charges.

FIRE DEPARTMENT.

Fire department.

Sec. 18. The city is authorized and empowered to establish a fire department under such rules and regulations as it may establish; and may pass such ordinances as it may deem best for the purposes of protecting life and property from loss or damage by fire; and may order by ordinance, or through its proper officers authorized by ordinance, the destruction or removal or proper repair of such buildings which may be a menace to the safety of persons or property.

Removal or repair of dangerous buildings.

PUBLIC UTILITIES.

Street car, lighting, and heating systems.

Sec. 19. The city is authorized and empowered to own, equip, and operate its own street car system and lighting and heating systems, but shall make no expenditures for the purchase or construction of any of such systems until approved by a majority of qualified voters at a special election held for that purpose. The commissioners are authorized to appropriate from the general funds an amount not exceeding in any one year five hundred dollars to be used in advertising the city.

Purchase or construction approved by voters.

Appropriation for advertising.

Regulation of public-service companies.

Sec. 20. The city may by appropriate ordinances compel any person or corporation owning or holding a public-service franchise from the city to discharge fully and properly the obligations and duties imposed upon such persons or corporations by the terms of such franchises.

OFFICERS.

Abolition of offices and appointments.

Sec. 21. The commissioners shall have power to abolish any office held under election or appointment by the commissioners, or appointed under their authority, except that of a commissioner or mayor elected to fill an unexpired term, to be effective immediately after the expiration of the term for which the incumbent was elected, employed, or appointed; and may create such offices as they deem best for the better administration of the affairs of the city; and may elect, appoint, or employ such persons for such offices and places as they deem best, and for such times, not to exceed the term for which such board of commissioners was elected, and to provide such compensation for such officers or

Creation of offices.

Compensation.

Control, removal, and discharge.

employees as the board of commissioners may determine; and all such officers or employees shall be under the control of the commissioners, and may be removed at any time for good cause shown; and any employee may be discharged when his services are no longer required. The term of office herein referred to shall not apply to the business manager.

Term of business manager.

Employment by corporations of city officers forbidden.

Sec. 22. No city officer or employee shall at the same time be directly or indirectly in the employment of any person or corporation holding a franchise from the city, and no city attorney shall at the same time be under contract of retainer or employment of any public-service corporation; and such employment shall *ipso facto* render vacant the office or place held by such officer or employee.

Commissioners may administer oaths.

Sec. 23. Each commissioner shall be authorized to administer oaths in the municipal affairs and government of the city.

Clerical assistance.

Sec. 24. The commissioners are authorized to provide clerical or other help to any officer of the city, when in their judgment the same shall be necessary, and shall fix the compensation therefor.

Compensation.

Election and term of business manager.

Sec. 25. The commissioners shall after the first Tuesday in May, one thousand nine hundred and thirteen, elect or employ a competent person for such time, not to exceed four years, as they may deem proper, who shall be known as the business manager, who shall be required to devote his whole time to the affairs of his office or employment, and who shall not be removed from his office or employment during the time for which he was elected or employed, except for misconduct in office or good cause shown. The business manager shall make all contracts for the purpose of supplies or material for the use of the city, subject to the approval of the board of commissioners, or such committee as they shall appoint, and shall employ or hire all street hands and laborers or engineers or surveyors authorized by the commissioners to be employed or hired, and shall contract with them as to their compensation, subject to the approval of the commissioners or committee as above set forth; the business manager shall be *ex officio* tax collector and tax assessor, and shall be required to do and perform all such other duties and things as the commissioners may prescribe. The salary or compensation of the business manager shall be at the rate of not less than one thousand two hundred dollars, nor more than three thousand dollars per annum, and shall be payable at such times and in such installments as the commissioners may prescribe when electing or employing him. The commissioners shall require of the business manager that he shall from time to time, as they shall prescribe, make full reports to the board of the affairs of his office or employment, and he shall be required to give a good and sufficient bond payable to the city for the faithful performance of the duties of his office.

Exclusive employment.

Removable only for cause.

Duties and powers.

Tax collector and assessor.

Salary.

Reports and bond of manager.

Mayor to appoint officers.

Sec. 26. If the commissioners shall not elect, appoint, or employ any person to fill any office or employment which they have

created, or has been created by virtue of this act, except that of commissioner or mayor, within thirty days after the same has become vacant or the term thereof has expired, it shall be the duty of the mayor to appoint a competent person to fill such vacancy for the time for which the commissioners should have selected a successor to the last incumbent.

Bonds of officers and employees.

Sec. 27. The commissioners may require good and sufficient bonds in such amount as they think advisable from any or all officers or employees of the city for the faithful performance of his duties.

Offices held by commissioners.

Sec. 28. No commissioner shall hold any other office or employment under the city, except that of clerk or secretary to the board or city treasurer, to which any salary, compensation, or emolument is attached; nor shall he be eligible for election or appointment to any office or employment under the city government created by the board while he was a member thereof, or of which the compensation has been increased while he was such member, until the expiration of at least one year from the time he has ceased to be such member; nor shall any commissioner or other city officer or any employee of the city be pecuniarily interested, directly or indirectly, in any work or contract for or by the city; and if any such persons shall be so interested, such fact shall render the contract void, and it shall be discontinued.

Ineligible to offices created or of which salaries were increased.

Personal interest in contracts.

Regular meetings.

Special meetings.

Sec. 29. The commissioners shall meet in regular meeting at least once a month for the transaction of public business, and at such other times as they shall be called to meet by the mayor to consider only such matters as shall be set forth in the call; and, at the request of any two commissioners, the mayor shall issue such call. At all meetings a majority of the board shall constitute a quorum.

Quorum.

Present government continued.

Sec. 30. The present mayor and commissioners and other officers of the town of Hendersonville shall continue in office until their successors are elected and qualified.

TAXATION AND REVENUE.

Taxing powers.

Sec. 31. The commissioners shall have power to levy annually for general purposes, and for the purpose of providing payment of interest and for a sinking fund on its present or future indebtedness, an *ad valorem* tax on all property within the corporate limits of the city, including franchises granted by the city and solvent credits and money on hand, and upon all other property taxed by the General Assembly, not to exceed one dollar and fifty cents on every one hundred dollars appraised valuation of said property; exempting, nevertheless, public property held for public purposes, places *bona fide* held for religious worship, places of burial not held for private profit, buildings and necessary grounds used exclusively for the purposes of education, with the necessary furniture and equipment pertaining thereto; institutions of purely

Limit of rate.

Exemptions.

public charity, and twenty-five dollars worth of household and kitchen furniture belonging to each family or to any person living alone. The commissioners may also levy and collect from each male citizen between the ages of twenty-one and fifty an annual poll tax not exceeding two dollars: *Provided*, that all persons exempt from the payment of a State poll tax shall also be exempt from the payment of a city poll tax. If for any cause the commissioners shall fail or neglect to pass any tax ordinance for any one year, levying taxes for that year, then in that event the tax ordinance for the previous year shall be in full force and effect, and the taxes for the year shall be collected under the ordinance of the preceding year in manner as fully as if the said ordinance had been passed for the current year.

Poll tax.

Proviso: exemptions.

Tax ordinances to continue in effect.

License taxes.

Sec. 32. The city shall have power to license, tax, and regulate merchants, commission merchants, hotels, inns, boarding-houses, restaurants, markets, brokers, money brokers, auctioneers and auction houses, and stores or shops where the principal business is selling goods by auction, itinerant merchants or peddlers, pawnbrokers, junk dealers and junk shops, dealers in second-hand goods and merchandise of any kind, and all other business or trades or occupations as may be the proper subject of police, tax, or license regulation; and may pass appropriate ordinances with appropriate penalties for the enforcement or collection of such tax, license, or regulation.

Advertisement for listing taxes.

Sec. 33. The assessor and collector of taxes during the last week of May of each year shall make advertisement at the court-house door, at the city hall, and in some newspaper published in the city notifying all persons who own or have control of property subject to city taxation on the first day of May to return to him on or before the last day of June a list of their taxable property. Said lists shall contain a full and true statement of all property taxable by the city, and the tax collector and assessor is required to administer the following oath to the person making out such return: "I, A. B., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of all the lots in the city, of all personal property subject to taxation, and of all stocks, bonds, income, solvent credits, and all other property subject to taxation by the State or ordinance of the city, belonging to me (or to C. D., for whom I am authorized agent to make a tax return for him), according to the best of my knowledge, information, and belief: so help me, God." From the returns so made the assessor and collector of taxes shall within twenty days after the expiration of the time for taking said list make out in a book kept for that purpose an alphabetical list of all persons and owners of property who have so made their returns in the same manner as tax lists are made out for the collection of State taxes, and he shall copy in said book the assessments made by the township assessors of all

Items of lists.

Form of oath.

Tax books.

Copy of township assessors.

property within the city limits, which assessment may be revised, corrected, or amended by the commissioners. Revision of assessments.

Sec. 34. The assessor and collector of taxes shall within thirty days after the return of the tax list make out, to the best of his knowledge and belief, by comparing his book with the returns made by the township assessors, and by diligent inquiry, a list of taxable polls and taxable property in the city which has not been returned according to his list; and the person so listed shall forfeit and pay a sum fixed by the commissioners, not exceeding twice the amount of his tax, which penalty may be recovered as other fines and penalties imposed by the commissioners in a proper action or proceeding before the mayor or any justice of the peace residing in the city. Delinquent lists. Forfeit for not listing.

Sec. 35. When the assessor and collector of taxes shall have furnished the assessment roll, and the same shall have been revised and corrected by the commissioners, the commissioners shall proceed to levy the taxes on such subjects as they may choose, and shall place the tax list in the hands of the collector of taxes for collection, who shall complete the same on or before the first day of January ensuing, and shall pay the moneys as they are collected to the city treasurer. Levy and collection of tax.

Sec. 36. The tax collector of the city of Hendersonville is hereby clothed with all the powers incident to the office of tax collector for Henderson County to enforce the collection of taxes due the city, and shall have all of the rights, remedies, and actions, distress and powers of sale as to property and persons or subjects of taxation as the county tax collector has for the collection of taxes in his office, and shall proceed to collect the same in like manner; and as to the sale of property and enforcement of the collection of taxes the city shall have the same rights as the county of Henderson has under such proceedings and actions and sales by the county tax collector; and the persons whose property may be sold under such proceedings shall have the same rights of redemption as are applicable to property sold for taxes by the county tax collector. Powers of tax collector. Powers in sale of property for taxes. Rights of redemption.

Sec. 37. Conveyances by the city tax collector of property sold by him for taxes shall be similar to conveyances made for a like purpose by the county tax collector, and shall have a like force and effect. Conveyances.

Sec. 38. The commissioners shall constitute a board of appraisement or equalization, and it shall be their duty carefully to examine the tax lists herein provided for and to hear complaints of any property-owner and to examine witnesses with the view and purpose of equalizing the tax values upon property by the tax assessor, and shall have power to increase or lower the valuation placed upon property when in their judgment, after fair investigation, the same are incorrect: *Provided*, no valuation shall be Board of appraisement or equalization. Proviso: no increase without hearing.

increased without due notice to the owner of the property and an opportunity has been given to be heard.

Copy of tax lists.

Sec. 39. The commissioners shall preserve the annual tax list, and shall immediately after its approval cause a copy of so much thereof as may be required for the use of the assessor and collector of taxes. The said copy, amended, modified, or changed as hereinbefore provided, shall be delivered to the assessor and collector on or before the first Monday of September of each year, and he shall receipt for the same. The treasurer shall indorse on said copy an order to said assessor and collector of taxes to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy: *Provided*, that said order shall be made by the commissioners in case the treasurer be not a member of the board of commissioners.

Delivery to successor.

Order for collection.

Force of order.

Proviso: order by commissioners.

Listing delinquent property.

Notice to owner.

Sec. 40. Whenever it shall appear to the commissioners that property has escaped taxation on account of the owner failing to list the same, or for any other reason, it shall be their duty to notify the owner of such property to appear before the board, at a time and place mentioned in the notice, and show cause why the owner of the property should not be charged with the tax on said property for the time it escaped taxation. At such time and place the commissioners shall hear and determine the matter; and if they find that the property was liable for taxation and was not listed, they shall direct the treasurer to enter upon the tax books against the owner of said property the taxes due for the years or time it escaped taxation, and the taxes thus levied shall be charged to the assessor and collector of taxes and shall be collected as other taxes against the owner thereof who failed to list such property.

Delinquent taxes entered.

Right of appeal.

Supersedeas bond.

Sec. 41. From the decision of the commissioners the owner of any property so assessed may take an appeal to the Superior Court, and the collection of such taxes shall be stayed during the pendency of such appeal if the appellant shall give a good and sufficient bond to the city in at least double the amount of the taxes assessed against him, in no case less than fifty dollars, conditioned that he will pay the city all such judgments in such case as may be awarded against him.

Levies and assessments validated.

Sec. 42. All levies of *ad valorem* taxes heretofore made by the town of Hendersonville and all assessments heretofore made and assessment rolls placed in the hands of the assessor and collector of taxes for collection are hereby validated, and the same shall be legal in the city of Hendersonville, regardless of any irregularity that may exist in the manner of making or returning such assessment rolls. In addition to other modes of collecting taxes as in this act provided, all taxes due the city, general or special, and all assessments for any improvements, may be col-

Collection of taxes by civil action.

lected by a civil action in any court having jurisdiction of the amount, and all liens on real estate may be foreclosed by the proper court. The assessment rolls of taxes and assessments shall be *prima facie* evidence of the correctness thereof. In any action by the city for the collection of any delinquent tax, where it shall appear that the description of any property in the assessment rolls shall not be sufficient to identify such property, the city shall have the right to set up in its pleadings a proper description of the property intended to be assessed and to prove the same, and to have its judgment foreclosing its tax lien upon the same and personal judgment against the owner for such taxes, the same as if the property had been fully and accurately described on the assessment rolls.

Assessment rolls prima facie evidence.
Judgment against property and person for taxes.

Sec. 43. The personal property of all persons owing any taxes to the city is hereby made liable for all said taxes, whether the same be due on real or personal property.

Personal property liable.

Sec. 44. The commissioners are authorized and empowered to provide for an allowance of three per cent off all *ad valorem* taxes levied by the city when the same are paid in full in the month of September after they are payable; two per cent when paid in full in the month of October, and one per cent when the same are paid in the month of November; or any amounts less than those herein mentioned, but in no case any greater amounts.

Discount for prompt payment.

Sec. 45. In addition to subjects listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which when fixed shall be collected by the tax collector immediately, and if the taxes be not paid on demand, the same may be recovered by seizure and sale of the articles upon which the tax is imposed or the articles which constitute the subject-matter of the trade or business taxed, or any other property which may be found within the State, viz.: All itinerant merchants or peddlers offering to sell in the city, except those who are exempt by law; bowling alleys, billiard tables, pool tables, bagatelle tables, or such like tables; or keepers of eating-houses or restaurants, fish, meat, vegetable, or fruit stands; circuses which may exhibit in the city or within one mile thereof; theatrical plays, concerts or operatic performances when performed by itinerant players, sleight-of-hand performances, rope-walking, tumbling, wire-dancing, wrestling or boxing matches, menageries; on each show or exhibition of any kind, except when given only for charitable purposes or when no charge is made for admission; exhibitions of any kind for pay or reward in the city or within one mile thereof; omnibuses, drays, express wagons, carriages, buggies, automobiles, and other vehicles for hire; and on all such other subjects upon which a tax is not prohibited by law where the commissioners deem it wise to levy and collect a tax, the amount of which shall be fixed by the commissioners, but in no case in excess of one thousand dollars.

Other subjects of taxation.
Enumeration of subjects.
Limit of tax.

Subjects of taxation.

Doing business without license misdemeanor.

Sec. 46. Taxes may be levied and collected on all property, trades, professions, franchises, licenses, and other subjects of taxation as provided by the Constitution; and any person carrying on or practicing any business, trade, or profession for which a license tax is required without a license shall be guilty of a misdemeanor. No license tax shall exceed one thousand dollars.

MUNICIPAL DEBTS.

Power to fund and refund debt.

Interest.

Sinking fund.

Sec. 47. The commissioners shall have power to fund or refund by ordinance or resolution the whole or any part of any of the existing or future debts of the city, by acquiring and canceling the evidences thereof, and to issue bonds in lieu thereof, registered or coupon, bearing interest at a rate no greater than provided for in the original indebtedness, and at no greater rate than six per cent per annum; and to this end they may apply the sinking fund belonging to any series of bonds so refunded, and may retire any bond by using the sinking fund thereof.

CEMETERIES.

Removal and reinterment of bodies.

Sec. 48. The commissioners may authorize the exhumation of any dead body now in any churchyard in the city, and permit its reinterment in the city cemetery.

POLICE.

Police force.

Sec. 49. The city shall maintain an efficient police force, the number of members, their compensation, duties and designations to be determined by the commissioners.

HEALTH.

Health officer.

Sec. 50. The commissioners may elect or employ an efficient health officer, selected from the practicing physicians resident in the city; prescribe his duties, fix his compensation, and delegate to him the authority they deem proper.

ORDINANCES.

Ordinances to remain in force.

Sec. 51. All ordinances, orders, or resolutions of the town of Hendersonville now in force and effect shall remain in full force and effect for the city of Hendersonville until repealed or modified.

THIS ACT.

Act deemed public.

Sec. 52. This act shall be deemed a public act, and judicial notice shall be taken thereof by the courts without the same being pleaded or read in evidence.

Partial unconstitutionality.

Sec. 53. If any part, articles, section, or subdivision of this act shall be held unconstitutional or invalid, such holding shall not be construed so as to invalidate or impair the remainder of the act or any part thereof not valid.

Sec. 54. From and after the ratification of this act the same shall thenceforth be the charter of the city of Hendersonville, and all laws now constituting the charter of the town of Hendersonville and affecting the government thereof, except as to acts already performed, and all contract rights or liabilities, and all laws inconsistent with or coming within the purview of this act, including Chapter CCIV of the acts of the General Assembly of one thousand eight hundred and forty-six and forty-seven, and all acts amendatory thereto, are hereby repealed in so far as they may affect the city of Hendersonville; and all property, rights, liabilities, or obligations of the town of Hendersonville shall accrue to the city of Hendersonville in as full and ample a manner as if the name of the corporation had not been changed. Act charter of city. Laws repealed.

Sec. 55. This act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 353.

AN ACT TO AUTHORIZE J. B. SPARGER, TAX COLLECTOR OF THE TOWN OF MOUNT AIRY, TO COLLECT ARREARS OF TAXES.

The General Assembly of North Carolina do enact:

Section 1. That J. B. Sparger, tax collector of the town of Mount Airy, North Carolina, and his successors in office, are hereby authorized and empowered to collect the arrears of taxes on the tax lists of said town of Mount Airy, North Carolina, for the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, and one thousand nine hundred and twelve, including all taxes levied for town purposes for six years and all special and privilege taxes, as well as all taxes levied for schools, bonded indebtedness, and all other taxes upon said lists, for whatever purpose levied. Collection of arrears authorized. Years and taxes.

Sec. 2. That said J. B. Sparger, tax collector, and his successors in office, are empowered to enforce the collection of said taxes by levy upon and sales of both personal and real property in the same manner as is now or may hereafter be provided for collection of taxes by sheriffs or tax collectors of the counties of the State: *Provided*, that no sale of property conveyed or transferred to an innocent purchaser without actual notice of the unpaid taxes for one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, shall be made under this act; nor shall any executor, administra- Enforcement of payment. Proviso: persons liable.

tor, or guardian be required to pay any of said taxes for the years last mentioned who has made a final settlement of his estate.

Term of authority.

Sec. 3. That the authority herein granted shall cease December thirty-first, one thousand nine hundred and fourteen.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 354.

AN ACT ENTITLED TO AMEND THE CHARTER OF THE CITY OF NEW BERN, CHAPTER 232, PRIVATE LAWS 1905, AS TO SALE OF WATER AND LIGHTS.

The General Assembly of North Carolina do enact:

Street railway.

Section 1. That the clause beginning with the word "and," in line thirty-three in section five of chapter two hundred and thirty-two of the Private Acts of the General Assembly of one thousand nine hundred and five (being an act to amend the charter of the city of New Bern), be and the same is hereby stricken out down to the word "that," in line forty-five in said section.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 355.

AN ACT TO PERMIT THE COUNCIL OF THE CITY OF WILMINGTON TO CHARGE A PENALTY UPON TAXES NOT PAID BY A CERTAIN TIME.

The General Assembly of North Carolina do enact:

Penalty.

Section 1. That it shall be lawful for the council of the city of Wilmington to exact and charge a penalty not exceeding two per cent in addition to the interest and costs now allowed by law upon all taxes remaining unpaid and due and owing to said city on the first day of February of each and every year after the same shall become due and payable for any current fiscal year, and the same shall be collected as said tax is collected by law, and in the event the property upon which said tax is due shall be sold for taxes as is provided by law and charter of said city, said penalty shall be added to the amount of tax and costs allowed by law.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 356.

AN ACT TO INCORPORATE LILLINGTON HIGH SCHOOL DISTRICT AND TO PROVIDE FOR AN ISSUE OF BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING BUILDINGS THEREIN.

The General Assembly of North Carolina do enact:

Section 1. That the Lillington High School District in Lillington Township, Harnett County, shall be bounded and described as follows: Beginning at a point on Cape Fear River, Purefoy Ferry, and running thence with the old road in a southerly direction, which has theretofore been the line between Lillington and Upper Little River Township, to a point where said road crosses Duncan's Creek, thence down the various courses of Duncan's Creek to Upper Little River; thence down the various courses of the Upper Little River to the lower corner of E. B. Reid's farm on the bank of said river; thence in an easterly direction with the line of said E. B. Reid to the old McAlister Road; thence with the old McAlister Road to the Cape Fear River; thence up the various courses of the Cape Fear River to the beginning. Lillington high school district. Boundary.

Sec. 2. That for the purpose of this act there is created a board of trustees of Lillington High School, which board shall consist of six members, divided into three classes. The term of office of the first class shall expire at the end of two years; the term of office of the second class shall expire at the end of four years; the term of office of the third class shall expire at the end of six years; the term of office of each class to date from the first Monday in May, one thousand nine hundred and thirteen. It is further enacted that H. T. Spears and E. S. Smith be and are hereby named and appointed in the first class; W. F. Hockaday and J. E. Caviness are hereby named and appointed in the second class; and that J. E. Bryan and J. R. Baggett are hereby named and appointed in the third class. And it is further enacted that upon the expiration of the term above named and fixed, that the board of town commissioners of the town of Lillington shall elect thereafter successors in each class for the term of six years: *Provided*, that the term of office of no member of said board shall expire until his successor is duly elected: *Provided further*, that when any vacancy shall occur in said board except by expiration of term of office, such vacancy or vacancies shall be filled by said board of high school trustees. Board of trustees. Terms of office. Trustees named. Election of successors. Proviso: to hold until successor elected. Proviso: vacancies.

Incorporation.
Corporate name.
Corporate powers.

Sec. 3. That the board of trustees herein created and their successors shall be a body corporate by the name and style of "The Board of Trustees of Lillington High Schools," and by that name shall be capable of receiving gifts, grants, and apportionments, purchasing and holding real estate and personal property, selling, mortgaging, and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created.

Conveyances, deeds and mortgages.

Conveyances to the said trustees shall be to them and their successors in office, and all deeds, mortgages, and other agreements affecting real estate and personal property shall be deemed sufficiently executed when signed by the chairmen of the said board of trustees and attested by the secretary of the said board.

Establishment and maintenance of schools.
Control of funds.

Sec. 4. That it shall be the duty of said board of trustees to establish and maintain schools in said district for the school subjects thereof; and to this end they shall have control of and appropriate all funds derived from the special tax heretofore voted by the people of said district, as well as the school fund appropriated by the county and State for said district, the funds to be derived under the provisions of this act as any other funds may be derived from any source for the purpose of maintaining schools in said district; but it is expressed and intended that this act shall in

Special tax not released nor diminished.

no wise operate to release or diminish the special tax heretofore levied in said district or interfere with the county and State boards of education, but is intended to facilitate the school work of the district.

Employment and removal of superintendent and teachers.

Sec. 5. That the said board of trustees shall have power to employ and fix compensation of the superintendent and teachers for said schools and to do all such other acts as may be necessary to carry on such schools, and they shall have power at any time to remove the said superintendent or any teacher and to employ some one in his or her stead; that the beginning and ending of the school term shall be fixed by the said board of trustees.

Trustees not officers.

Sec. 6. That the position of trustee of the said school shall not be deemed an office of trust or profit within the meaning of article fourteen, section seven, of the Constitution of North Carolina.

Organization.
Common seal.

Sec. 7. The said board of trustees shall organize by electing one of their number as chairman and one as secretary, and they shall adopt a common seal with the description thereon substantially as follows, "Board of Trustees of Lillington High School, Lillington, North Carolina, one thousand nine hundred and thirteen"; and the said board of trustees may select one of their own number or some other suitable person or some bank or trust company as

Election of treasurer.
Compensation and bond.

treasurer of the funds coming into their hands, and provide for such compensation and require such bond of indemnity as the said board may determine upon.

Bond issue authorized.

Sec. 8. That for the purpose of raising money to build and equip a suitable school building for said school district, the board of

trustees of said school district is hereby authorized and empowered to issue bonds to an amount not exceeding fifteen thousand dollars, payable at such times and place as said board may designate, and evidenced by coupons attached to said bonds. Said bonds shall be of such denominations as the board may describe, and shall be signed in the name of the Board of Trustees of Lillington High School, under its corporate seal, by the chairman of the board, and attested by the secretary, and shall mature in not less than twenty years from the date of their issue.

Amount. Denomination. Authentication. Maturity.

Sec. 9. That said bonds shall not be sold for less than their par value, and the proceeds from the same shall not be used for any purpose than those mentioned in section eight of this act.

Sale below par forbidden. Specific appropriation.

Sec. 10. That in order to pay the interest on said bonds as the same become due, the board of county commissioners of Harnett County is required and directed to levy and collect, in addition to all other taxes in said Lillington High School District, a tax sufficient to pay said interest or coupons, and also, on or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay for the same, or to provide for the payment thereof. The tax so levied upon property shall be an *ad valorem* tax, and the taxes upon the polls and property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time and in the same manner as other taxes upon the property and polls of said Lillington High School District, and turned over to the treasurer of the board of trustees of said Lillington High School District, as hereinafter provided: *Provided*, that the taxes levied and collected under this act for the purposes aforesaid shall in no event, singly or collectively, exceed twenty cents on the one hundred dollars valuation of property or sixty cents on the poll: *Provided further*, that the taxes collected under the provisions of this act shall be kept separate and apart from the other funds coming into his hands, and shall be used for no other purpose. It shall be the duty of the treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the board of trustees aforesaid the number of coupons so canceled.

Special tax. Ad valorem tax. Constitutional equation. Levy, collection and settlement. Proviso: limit of rate. Proviso: taxes kept separate. Cancellation and report of coupons.

Sec. 11. That the bonds may be sold at public or private sale, with or without notice, as the board of trustees of said school district may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the board of trustees of the Lillington High School District, who shall give such bond for the safe keeping and disbursement of said funds as shall be required of him by the said board of trustees, and he shall receive no compensation for receiving or collecting any of the funds provided by this act, but shall be reimbursed his necessary expenses incurred in making suretyship bonds and in the performing of the duties required of him.

Sale of bonds. Proceeds paid to school treasurer. Bond of treasurer. Compensation.

Use of proceeds of bonds.

Sec. 12. And the proceeds arising from the sale of said bonds shall be used, as required by section eight of this act, to pay for the erection and equipment of suitable school buildings within said districts, together with necessary land for the location of said buildings, and suitable grounds adjacent thereto; and the said funds shall be expended under the provision and direction of the said board of trustees and upon vouchers drawn upon the treasurer of the said board and signed by the secretary and the chairman of the said board: *Provided*, that the purchaser of the bonds herein provided for shall not be required to see to the application of the purchaser.

Supervision of expenditures.

Vouchers.

Proviso: purchaser not responsible for application.

Bond issue to be voted on.

Sec. 13. That before said bonds shall be issued, or the taxes herein provided for levied and collected, the question of issuing said bonds and levying and collecting the taxes herein provided for shall first be submitted to the qualified voters of said Lillington High School District, and to that end the county board of commissioners of Harnett County shall, upon the recommendation of the board of trustees of said school district, call an election at any time within six months after the ratification of this act, in which shall be submitted to the qualified voters of said school district the proposition to issue not more than fifteen thousand dollars in coupon bonds and the levy and collection of tax, within the limitations fixed in this act, to pay the interest thereon and retire and pay off said bonds, and for such election shall appoint a registrar and two poll-holders to conduct said election, who shall canvass and declare the result. The said election shall be advertised by the board of county commissioners for thirty days prior to the day of election in some newspaper published in Harnett County. Otherwise the election shall be advertised and held in accordance with the law regulating the holding of elections for members of the General Assembly. Those voting for the issue of said bonds and the levy of said tax shall have written or printed upon their ballots the words "For Bonds"; those voting against the same shall have written or printed upon their ballots the words "Against Bonds." If a majority of the qualified voters of said district shall vote in favor of the issue of said bonds, then there shall be levied annually by the board of commissioners of Harnett County the special tax as provided in section ten of this act.

County commissioners to call election.

Election officers.

Advertisement of election.

Law governing elections.

Ballots.

Special tax.

New registration.

Sec. 14. That for the election provided for in this act there shall be an entire new registration of the voters of said school district, and if the first election result unfavorably to the issue of bonds and levy of tax, but a second election shall result favorably to such proposition, then and in that event it shall have the same force and effect as if no election had been previously held.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 357.

AN ACT TO INCORPORATE THANKSGIVING CHURCH AND SCHOOLHOUSE IN ONEALS TOWNSHIP, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Thanksgiving Church and Schoolhouse in Oneals Township, Johnston County, be and the same are hereby incorporated, and shall have all the rights and powers usually pertaining to corporations created for similar purposes, such powers to be vested in the officers of said church and school property. Incorporation. Corporate powers.

Sec. 2. That it is hereby declared to be a misdemeanor for any person, firm, or corporation to sell or otherwise dispose of for gain or profit any intoxicating liquors, beer, beerine, or bitters, within three miles of said church, under a penalty of not exceeding a fine of fifty dollars for each offense or imprisonment for thirty days. Prohibition. Punishment.

Sec. 3. That this act shall be in force from and after the first day of May, one thousand nine hundred and thirteen. When act effective.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 358.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and thirty-four of the Private Laws of one thousand nine hundred and five be amended by adding at the end of section twenty the following words: "*Provided, however*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving notice in the manner hereinbefore described to the owners, have all the work provided for herein done by the city forces, or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be a lien as herein provided and collected as provided above: *Provided further*, that if the property-owner shall so elect and give notice of the fact in writing to the board within ten days after the completion of any sidewalk contiguous to his lot and presentment by the town of a statement of account therefor, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from date on which said work is done up to the time when the same shall be due and collectible, in which case, however, the lot owner shall execute such bond or memorandum of such indebtedness as the Proviso: work done by city forces. Cost a lien on abutting property. Proviso: payment in installments.

Collection of installments.

board of commissioners may prescribe, and in case of the failure or neglect of any property-owner to pay any installment when the same shall be due and collectible, then and in that event the said amount of such installment and of all subsequent installments shall at once become due and collectible, and such installments shall be a lien upon the property abutting any such sidewalk, either in the hands of the owner at the time such work was done or at the time such notice was served, as well as in the hands of his heirs, assigns, or other successor entitled; and the board of commissioners, in addition to the above provisions, may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in this section, after such persons shall have been directed so to do by the board of commissioners."

Penalties.

Sec. 2. That all laws and clauses of law in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 359.

AN ACT TO REVISE THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the city of Charlotte shall be and continue, as they have been, a body politic and corporate, and the corporation shall bear the name and style of the city of Charlotte and have perpetual succession; and under such name and style shall have all the franchises, powers, property and rights of property which now belong to the corporation under any other name or names heretofore, and be subject to all its present liabilities; and by this name may acquire and hold all such estates as may be devised, bequeathed, sold, or in any manner conveyed to it; and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell, or dispose of the same; and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights, privileges, franchises, and immunities necessary or belonging to or usually appertaining to municipal corporations.

Corporate name.

Corporate rights and powers.

Corporate limits.

Sec. 2. That the corporate limits of the city of Charlotte shall be circumscribed by the following boundaries as at present, to wit: Beginning at a stone in the center of the present main-line track of the North Carolina Railroad, now leased and operated by the Southern Railway Company, being a point north fifty-three degrees

and twenty minutes east thirteen thousand and two hundred feet from the center of Independence Square in said city, and running north seventy-five degrees forty-five minutes west five thousand four hundred and sixty-five feet to a stone near the track of the Atlantic, Tennessee and Ohio Railroad, being a point two miles by a straight line from the center of said Independence Square; thence continuing by the same course, five thousand four hundred and sixty-five feet to a stone, being a point two miles by a straight line from said center of said Independence Square; thence south sixty-seven degrees and thirty minutes west, eight thousand eighty-two feet to a stone, being a point two miles by a straight line from the center of said Independence Square; thence south twenty-two degrees and thirty minutes west, eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence south seven degrees and thirty minutes east, about nine thousand four hundred feet to a stone in the center of the track of the Charlotte, Columbia and Augusta Railroad, being a point thirteen thousand and two hundred feet by a straight line from the center of said square; thence south eighty-two degrees and thirty minutes east, nine thousand and four hundred feet to a stone, being a point two miles by a straight line from the center of said square; thence north sixty-seven degrees and thirty minutes east, eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence north twenty-two degrees and thirty minutes east, eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence north twelve degrees east, five thousand five hundred and fifty feet to a stone; thence north seven degrees and thirty minutes west, six hundred and fifty feet to a stone; thence north thirty-four degrees west, one thousand seven hundred and thirty-five feet to a stone; thence north twenty-seven degrees and thirty minutes west, four hundred and seventy-five feet to the point of beginning.

Wards.

Sec. 3. That the territory comprised within the corporate limits described and established in section two shall be and is hereby laid off into eleven wards (same as they now are), called and bounded as follows:

First ward.

(1) The First Ward, or Ward Number One, is bounded by lines beginning at the center of Independence Square of said city, and running with North Tryon Street to the Carolina Central Railroad; thence with said railroad easterly to East Sugar Creek; thence down the creek to the center of the bridge on Elizabeth Avenue; thence with Elizabeth Avenue and East Avenue and Trade Street to the point of beginning.

Second ward.

(2) The Second Ward, or Ward Number Two, is bounded by lines beginning at the center of Independence Square, and running with Trade Street, East Avenue, and Elizabeth Avenue to the

center of the bridge on East Sugar Creek; thence down the creek to a point where Morehead Street, if extended, would cross the creek; thence with the line of Morehead Street (extended) to South Tryon Street, and thence with South Tryon Street to the point of beginning.

Third ward. (3) The Third Ward, or Ward Number Three, is bounded by lines beginning at the center of Independence Square and running with South Tryon Street to Morehead Street; thence westerly with the line of Morehead Street (extended) to Irwin's or West Sugar Creek; thence up the creek to the bridge on West Trade Street, and thence with West Trade Street to the beginning.

Fourth ward. (4) The Fourth Ward, or Ward Number Four, is bounded by lines beginning at the center of Independence Square, and running with West Trade Street to the center of the bridge on Irwin's or West Sugar Creek; thence up the creek to the Carolina Central Railroad; thence with said railroad easterly to its intersection with North Tryon Street, and thence with North Tryon Street to the point of the beginning.

Fifth ward. (5) The Fifth Ward, or "North Charlotte," is bounded by lines, beginning at the intersection of North Tryon Street and the Carolina Central Railroad, and running with North Tryon Street (extended), or the Salisbury Road, to the point where the limits of the city, as defined by this act, cross that road; thence easterly with said corporate limits to the Poor House Road; thence with the Poor House Road to East Sugar Creek; and thence with the creek to the Carolina Central Railroad, and thence with said railroad to the point of beginning.

Sixth ward. (6) The Sixth Ward, or "Piedmont," is bounded by lines beginning at the Seventh Street bridge on East Sugar Creek, and running with Seventh Street and the Monroe Road to the point where the corporate limits, as defined by this act, cross that road; thence in a northerly direction with said corporate limits to the Poor House Road, and thence with that road to East Sugar Creek, and thence with that creek to the point of beginning.

Seventh ward. (7) The Seventh Ward, or "Elizabeth," is bounded by lines beginning at the Seventh Street bridge on East Sugar Creek and running with that street and the Monroe Road to the point where the corporate limits, as defined by this act, cross that road; thence with said corporate limits in a southwesterly direction to the point where said corporate limits cross East Sugar Creek, and thence up the creek to the point of beginning.

Eighth ward. (8) The Eighth Ward, or "Dilworth," is bounded by lines beginning at the point on East Sugar Creek where Morehead Street (extended) would cross that creek, and running down the creek to the point where said corporate limits cross that creek; thence in a westerly direction with said limits to the Charlotte, Columbia and Augusta Railroad; thence with that railroad to the bridge on Morehead Street; thence with Morehead Street extended to the point of beginning.

(9) The Ninth Ward, or "Wilmoore," is bounded by lines beginning at the Morehead Street bridge on the Charlotte, Columbia and Augusta Railroad, and running in a southwesterly direction with that railroad to said corporate limits; thence with the said limits westerly to Irwin's or west Sugar Creek; thence up the creek to the point where Morehead Street (extended) would cross the creek, and thence with Morehead Street in a southwesterly direction to the point of beginning. Ninth ward.

(10) The Tenth Ward, or "Seversville," is bounded by lines beginning at the bridge, or culvert, on the Carolina Central Railroad where the railroad crosses Irwin's or West Sugar Creek, and running down the creek in a southerly direction to the point where the said corporate limits cross the creek; thence with said corporate limits in a northerly direction to the Carolina Central Railroad, and thence with that railroad to the point of beginning. Tenth ward.

(11) The Eleventh Ward, or "Groveton," is bounded by lines beginning at the intersection of North Tryon Street and the Carolina Central Railroad, and running with North Tryon Street (extended) or the Salisbury Road to the point where the corporate limits cross the road; thence westerly with said limits to the Carolina Central Railroad, and thence with the railroad to the point of beginning. Eleventh ward.

Sec. 4. That the board of aldermen of said city shall consist of fifteen citizens, elected by the qualified voters of the wards in which they reside, two of whom shall be at the time of their election residents of the First Ward; two of whom shall be at the time of their election residents of the Second Ward; two of whom shall be at the time of their election residents of the Third Ward; two of whom shall be at the time of their election residents of the Fourth Ward; seven of whom shall be at the time of their election residents each of the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh wards, respectively. Board of aldermen. Residence of aldermen.

Sec. 5. That the board of school commissioners of said city shall consist of eleven citizens, to be elected by the qualified voters of the wards in which they reside, one being at the time of election a resident of each of said respective wards. School commissioners.

Sec. 6. That each alderman or school commissioner from any ward shall have been a resident of the territory included in said ward for at least four months next preceding his election, and if any such alderman or school commissioner shall, after election, move out of the city limits or the ward from which he was elected, his office shall be thereby vacated and the same shall be filled as hereinafter provided. Length of residence. Removal to vacate office.

Sec. 7. That on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and every two years thereafter, there shall be elected a mayor and board of aldermen and a board of school commissioners for said city; and the administra- City elections.

tion and government of the city shall be vested in said mayor and board of aldermen and such other officers as are hereinafter provided for.

Qualifications of voters.

Sec. 8. That the provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election for testing the qualification and right of any person to vote in a general election of the State shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby invested with full power to pass upon and decide said qualifications.

County commissioners to appoint election officers.

Sec. 9. That the board of commissioners of Mecklenburg County shall appoint, on or before the fifteenth day of March, A. D. one thousand nine hundred and thirteen, and biennially thereafter, a competent person to act as registrar of voters for each ward of the city of Charlotte, and shall cause publication to be made thereof at the city hall and the county courthouse door, and notice thereof to be served on such persons by the sheriff. If any registrar shall fail or refuse to perform the duties of his office, or shall die or resign, or if for any cause there shall be a vacancy in any such office, the chairman of the board of commissioners of said county shall appoint another in his place.

Appointment of registrars to file vacancies.

Registrar to be sworn.

Sec. 10. That before entering upon the duties of his office each registrar shall take an oath before some person authorized to administer oaths to faithfully perform the duties of his office as such registrar.

Registration books.

Sec. 11. That the registrar of each ward shall be furnished by the clerk of the Superior Court of said county with a registration book, and it shall be his duty between the hours of nine o'clock a. m. and sunset each day (Sunday excepted), commencing on the last Monday in March next after his appointment, and continuing for a period of thirty days (including Sundays), to open said book at a place in said ward, to be designated by the board of aldermen, for the registration of all voters in his ward entitled to registration. The places of registration shall be advertised twice a week for one week prior to the opening of the registration books in a newspaper published in the city of Charlotte. That said registration books shall not be kept open for more than thirty days, but shall be closed for registration at sunset on the last day of said period.

Registration.

Advertisement for registration.

Close of registration.

New registration.

Sec. 12. That for the election in May, one thousand nine hundred and thirteen, there shall be a new registration of all persons in the city. That in all cases the applicant for registration, before being registered, shall state upon oath his name, age, place of birth, place of residence, giving the ward, number of house, if numbered, and if not numbered, then designation of its locality by streets, and if not the owner, then the name of the owner or his agent; his occupation, place of business, where and by whom employed, if employed; from whence he came, if a new resident,

Matters to be stated on registration.

and his postoffice address before removal; also the time of his residence in the county of Mecklenburg and in the ward, if not known to the registrar to be qualified to register. Said applicant shall also, if required by the registrar, answer as to whether he has been disqualified as a voter by a judgment or decree of any court; if so, by what court or how otherwise reinstated, and any other questions which may be material upon the question of his identity and qualification for registration. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the qualifications of the applicant, and thereupon, if the applicant shall be found duly qualified, the registrar shall register the applicant, by recording in the proper column of the registration book his name, age, residence, place of birth, the township, county or State from which he has removed, in the event of a removal; and the registration books containing said record shall be evidence against the applicant in any court of law in a prosecution for false or fraudulent registration: *Provided*, that nothing herein contained shall prevent a challenge of his right to vote by any elector or judge of election when he presents himself to vote. That after the new registration heretofore provided for shall have been made, by virtue hereof, a new registration shall not be made biennially, but such registration books shall be revised so as to show an accurate list of electors previously registered and still residing in said city, without requiring such electors to be registered anew; and such registrars shall, on or before the last Monday in March biennially, open said books for the registration of any electors entitled to registration, in each and all of said wards, whose names have never before been registered in such wards, or do not appear on the revised list: *Provided, however*, that the board of aldermen may at any time order a new registration in the manner herein provided. If any elector has been previously admitted to registration in any ward in said city, he shall not be entitled to register in another ward of said city until he produces a certificate of the registrar in the former ward, that his name has been erased from the registration book of the ward from which he has removed, and the identity of any person claiming the right to be registered in any ward by virtue of such certificate with the person named therein shall be proven to the registrar, if not known to him. If any applicant for registration shall not disclose the place of residence in his ward, his willful failure to do so shall be *prima facie* evidence that he is not entitled to register in such ward. Every person qualified as an elector shall take the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for two years, and of the county of Mecklenburg for six months, and of ..... Ward for four

Questions allowed.

Corroborative evidence.

Proviso: right of challenge.

Future registration.

Proviso: power to order new registration.

Certificate on removal.

Registration oath.

months; or that I was a resident of ..... Ward on the ..... day of ..... (being four months preceding the election) and removed therefrom to ..... Ward, where I have since resided; that I am twenty-one years of age; that I have not registered for this election in any other ward; so help me, God."

County commissioners to appoint judges of election.

Sec. 13. That the board of county commissioners of Mecklenburg County, on or before the fifteenth day of April, one thousand nine hundred and thirteen, and biennially thereafter, or at such other time as it may be necessary to do so, shall appoint two persons who shall act as judges of election, and one person who shall act as clerk, at each place of holding elections in their respective wards, each of whom shall be men of good moral character and able to read and write. The polling places, which may be one or more for each ward, shall be designated by the board of aldermen, and shall be advertised twice a week for one week preceding the election in some newspaper published in the city of Charlotte. The said judges of election shall attend at the polling places for which they are severally appointed on the day of election, and they, together with the registrar for such ward, who shall attend with the registration books, after being sworn by some justice of the peace or other person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep the poll-books, in which shall be entered the names of every person who shall vote, and at the close of the election the said registrar and judges of election shall certify the same over their proper signature and deposit same with the clerk of the Superior Court of Mecklenburg County, and said poll-books shall be evidence in any trial for illegal and fraudulent voting. The board of county commissioners shall immediately after the appointment of the judges of election, as herein provided, furnish a list of such judges to the sheriff of the county, who shall within five days serve notice of such appointment upon said judges, and, if any person appointed judge of election shall fail to attend or to act, the registrar of the ward shall appoint some discreet person to act in his stead, who shall be by him sworn, before acting; and if the registrar shall fail to attend on the day of election, then the judge or judges of election, after qualifying, may appoint another to act as registrar, who shall be sworn by him or them before acting.

Polling places.

Judges to attend election and be sworn.

Poll-books.

Notice of appointment.

Appointments to fill vacancies.

Challengers.

Sec. 14. That said board, at least ten days before each election herein provided for, shall appoint for each polling place two discreet persons challengers (from opposite political parties, if any two of the candidates belong to opposite political parties; otherwise, any discreet person), and in the event the board fails to appoint such challengers, the registrars and judges may appoint; and if the vote of any elector shall be challenged by them or any

Hearing on challenges.

other elector, or by the registrar or judges of election, said challengers, or either of them, upon the announcement of such challenge, and any witnesses that may be called upon the question of challenge, shall be permitted to enter the polling place and remain while the testimony is being taken upon the question of challenge, and no longer.

Constables and bailiffs.

Sec. 15. The registrars and judges of election may appoint as many election constables or bailiffs, not to exceed three, as they may deem necessary for each ward, to be present during the election, to keep the peace, to prevent improper intrusion upon the voting place, or the booths or railed or roped space provided in this act; to arrest all persons creating any disturbance about the voting place, and to enable those who have not voted to have unobstructed access to the polls, and to keep clear the open space hereinbefore provided, at all times during the election. It shall be the duty of said election constables or bailiffs to be present at the voting place and to take such steps as will accomplish the object of their appointment, and they shall have full power to summon all persons present at the voting place to aid in arresting offenders against this section, and to hold them in custody as long as may be necessary for service of regular process on them; and for the purpose of exercising the powers herein conferred upon them the registrar and judges of election shall be and are hereby constituted conservators of the peace.

Right to summon posse.

Conservators of peace.

Person challenged to prove identity.

Sec. 16. When any person is challenged, the judges and registrar shall explain to him as to his qualifications; and if the person insist that he is qualified, and shall prove his identity with the person in whose name he offers to vote, by the testimony, under oath, of at least one elector, the registrar or one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for two years and in this county six months and in the city and ward four months next preceding this election, or that you were a resident of ..... Ward on the ..... day of (being four months preceding the election) and removed therefrom to ..... Ward, where you have since resided, and that you are not disqualified from voting by the Constitution and laws of this State; that your name is (here insert the name given), and that in such name you were duly registered as a voter of this ward, and that you are now an actual resident of the same and have been ever since you registered; and that you are the identical person you represented yourself to be, and that you have not voted in this election at this or any other polling place: so help you. God."

Oath to be tendered. Form of oath.

Refusal or acceptance of vote.

If he refuses to take such oath, his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath shall have been taken, the registrar and judges may refuse to permit such person to vote

Proviso: refusal despite of oath.

unless they be satisfied that he is a legal voter; and they are hereby authorized to administer necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person offering to vote. When any person's vote shall be received, after having taken the oath prescribed in this section, the clerks of election shall write on the poll-books, at the end of such person's name, the word, "Sworn." The same powers as to the administration of oaths and examination of witnesses as in this section granted to registrars and judges of election may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

Entry on poll-books.

Hours of election.

Persons entitled to vote.

Space kept clear.

Method of voting.

Sec. 17. That the polls shall be opened on the day of election from sunrise in the morning until sunset on the same day, and no longer, and each elector whose name shall appear registered, and who shall not be challenged and rejected shall be entitled to vote. A space of not more than fifty feet in every direction from each poll or the room in which the election is held may be kept open and clear of all persons except the election officers herein provided, which space may be railed or roped off, with a narrow passage leading to and from the poll, and each elector shall approach the poll from one direction through such passage, and after depositing his ballot in the box with as little delay as possible, shall depart by the passage leading from the polls. Only one elector shall enter the said passage leading to the polls at one time. The said railed or roped off space shall at all times during the hours for balloting be kept open and cleared of all persons, except the election officers aforesaid, and it shall be the duty of the election bailiffs hereinafter provided for to keep such space so cleared and opened.

Notice of candidacy.

Indorsement of notice.

Right of inspection.

Clerk of superior court to have ballots printed.

Sec. 18. That each of the several candidates for mayor, aldermen, school commissioners, and for any other offices of the city to be filled at any election shall, at least five days prior to any election, file with the Clerk of the Superior Court of Mecklenburg County a notice in writing, stating that he will be a candidate in such election and the office for which he will be a candidate, which notice shall be signed by him and witnessed by the clerk, and said clerk shall indorse on the back of said notice the date when it was filed in his office, and shall preserve the same with the other records of the county. Any elector of the city shall have the right to inspect the same. That it shall be the duty of said clerk of the Superior Court within three days before any such election to have printed the ballots to be used and cast by the electors in such election, which ballot shall contain the names of all the candidates who filed said written notice as above prescribed, and there shall be printed on each ballot a square opposite the name of each candidate, all of which names, together with the offices for which they are respectively candidates, shall be printed on the same ballot, and no candidates for any office shall be voted for in any election

Candidates not voted for.

who have not filed written notice in said clerk's office as in this act provided, and said clerk shall also provide necessary ballot boxes in which ballots are to be placed. That the mayor of the city of Charlotte shall issue a warrant or order on the city treasurer in favor of said clerk for the amount of expenses incurred for said registration books and the printing or distributing said ballots or tickets and for holding the elections herein provided for, and said treasurer shall pay the same. The said clerk shall not later than sunset the day preceding the election deliver to each registrar three times as many of said printed ballots as the registration books shall show there are electors in such registrar's ward, and it shall be the duty of each of said registrars to have said ballots and tickets at his polling place at sunrise on the morning of the election and to see that two of such tickets are given to every elector presenting himself to vote in said election. That it shall further be the duty of said registrar to have and keep in a conspicuous place at his polling place, during the whole of the election, a list of all the candidates that may be voted for in said election and the offices for which each is a candidate. That in the event any elector shall not be provided with a ticket or ballot by the registrar of his ward, upon his demand for same such elector, if entitled to vote, shall have the right to prepare and write or have prepared and written, his own ballot and cast the same, if otherwise entitled to do so; and such ballot shall be counted. That such elector who shall upon his demand be furnished with a printed ballot, as in this act provided, shall make a cross mark with ink or pencil in the square opposite the name of the candidate or candidates for whom he purposes to vote in said election, and shall deposit his ballot so marked in the ballot box or cause the same to be deposited. If the elector cannot read or write, he may have one of the judges or registrars or any of the bailiffs or challengers, or in case they refuse, then any one else, to prepare his ballot for him: *Provided*, that if any elector by his ballot votes for more persons than he is entitled to vote for, such ballot shall not be counted.

Ballot boxes.

Warrant for expenses.

Distribution of ballots.

Lists of candidates posted.

Ballots provided by voter.

Marking ballots.

Illiterate persons.

Proviso: ballots not counted.

Sec. 19. After said ballots shall be counted, they shall be carefully preserved and, together with the poll lists, which shall be signed by the judges of election, and the registration books, shall be delivered to the Clerk of Superior Court of Mecklenburg County, North Carolina.

Preservation and delivery of ballots.

Sec. 20. If among the persons voted for for aldermen, school commissioners, or other officers in any ward, there shall be a tie, such persons having received more votes than the others voted for, the registrar and judges of election for such ward shall decide the election between such persons. As soon as the result of the election in any ward shall be determined, two certificates thereof shall be made under the hands of the judges and registrar or a

Settlement of ties.

Certificates.

majority thereof, setting forth in words and figures the number of votes each candidate received, one of which certificates shall be delivered to the Sheriff of Mecklenburg County, who shall at once make a proclamation thereof at the county courthouse door, and the other shall be delivered to the mayor of the city of Charlotte; and upon application, they shall also furnish to each person elected alderman, school commissioner, or other officer in his ward a certificate of his election.

Certificates of election.

Term of mayor.

Sec. 21. The mayor shall be elected by the qualified voters of the city of Charlotte for the term of two years and until his successor shall be elected and qualified. In case two or more persons receive an equal number of votes (being more votes than the other candidates received) for the office of mayor, in any election, the Sheriff of Mecklenburg County shall determine the matter by his vote.

Sheriff to settle ties.

Illegal voting felony.

Sec. 22. If any person shall, with intent to commit a fraud, register and vote at more than one polling place or more than one time, or shall induce another to do so, in the same election, or if any person shall illegally vote at any election herein provided for, he shall be guilty of an infamous crime and imprisoned not less than six months nor more than twelve months, or fined not less than one hundred dollars nor more than five hundred dollars, in the discretion of the court; and any registrar of voters or any clerk or copyist who shall make an entry or copy with intent to commit fraud shall be liable to the same penalty.

Punishment.

Other frauds.

False swearing perjury.

Sec. 23. If any person shall falsely and corruptly take the oath prescribed for voters aforesaid, he shall be guilty of perjury, and be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two years nor more than five years.

Punishment.

Forcible interference with election misdemeanor.

Sec. 24. If any person, by force or violence, shall break up or stay any election by assaulting the officers thereof or by depriving them of the ballot boxes, or by any other means, such person and his aiders and abettors shall be guilty of a misdemeanor and imprisoned not more than three months and pay such fine as the court shall adjudge, not exceeding one hundred dollars. If any person shall interrupt or disturb the registrar while actually engaged in the registration of voters, or the registrar or judges of election while engaged in holding the election, or in counting and adding up the result thereof, or shall behave in a disorderly or boisterous manner in the presence of said officials while so engaged in the discharge of their official duties, or obstruct such officers in the legal discharge of the duties of their several positions, such persons shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Punishment.

Interruptions or disturbances misdemeanors.

Forfeit for treating.

Sec. 25. If any person shall treat with either meat or drink, on any day of election or on any day previous thereto, with an intent to influence the election, he shall forfeit and pay two hundred

dollars, the one-half for the use of the county and the other to the use of the person who shall sue for the same. Division of forfeit.

Sec. 26. If any person shall discharge from employment, withhold patronage from, or otherwise injure, threaten, oppress, or attempt to intimidate any qualified voter because of the vote such voter may or may not have cast in any election under this act, he shall be guilty of felony. Intimidation or oppression of voters felony.

Sec. 27. If any person shall, at any time before, during, or after an election, give any money, property, or reward to any elector in order to secure his vote, he shall be guilty of a felony; and any person who shall receive or offer to receive such bribe shall also be guilty of a felony. Bribery felony.

Sec. 28. The registrars and judges of election are hereby empowered to administer all oaths and affirmations necessary in conduct of elections. Election officers to administer oaths.

Sec. 29. If any person shall bet or wager money or other thing of value upon the result of any election under this act, he shall be guilty of a misdemeanor. Betting a misdemeanor.

Sec. 30. If any person shall cause or procure his name to be registered in more than one election ward, or shall cause or procure his name or that of any other person whose name he has procured to be registered, and who is not entitled to vote in the ward wherein such registration is made, or shall falsely personate any registered voter, he shall be guilty of a crime infamous by the laws of the State, and shall be punished for every such offense by fine not exceeding one thousand dollars or imprisonment at hard labor for a term not exceeding two years, or both, in the discretion of the court. Fraudulent registration and impersonation of voter felony. Punishment.

Sec. 31. If any person be challenged as having been convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any questions in relation to such alleged conviction; but his answer to such questions shall not be used against him in any criminal prosecutions; but if any person so convicted shall vote at the election without having been restored to the rights of citizenship, he shall be guilty of an infamous crime, and punished by a fine not exceeding one thousand dollars or imprisoned at hard labor not exceeding two years, or both. Persons challenged as convicts. Answers to questions. Voting without restoration felony. Punishment.

Sec. 32. That the judges of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim the right to vote, they shall have power to examine such person and any other person or persons under oath or affirmation touching such right; and if any judge of election shall receive or assent to receive the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such vote shall be illegal, the judge of election so Powers of judges in examining voters. Receipt of vote without requiring oath prima facie evidence.

receiving or assenting to receive such a vote shall be deemed to have received the same knowing it to be illegal.

Powers of election officers.

Sec. 33. That the registrar and judges of election in each ward shall respectively possess full power and authority to maintain order, and to enforce obedience to their lawful command during their sessions, respectively, and shall be constituted inferior courts for that purpose, and if any person shall refuse to obey the lawful command of any such registrar or judge of election, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may, by an order in writing, signed by the chairman and attested by their clerk, adjudge the person so offending to be guilty of contempt, and commit him to the common jail of the county for a period not exceeding thirty days, and such order shall be executed by the sheriff or constable to whom the same shall be delivered, or if the sheriff or constable shall not be present or shall refuse to act, then by any other person who shall be deputed by them; and the keeper of said jail shall receive the person so committed and safely keep him for such a time as shall be mentioned in the commitment.

Inferior courts.

Acts constituting contempt.

Commitment.

Gift or sale of liquors misdemeanor.

Sec. 34. If any person shall give away or sell intoxicating liquors, except for medical purposes, and upon the prescription of a practicing physician at any places within Charlotte Township, at any time within twelve hours next preceding or succeeding any public election under this act, or during the holding thereof, he shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than one thousand dollars.

Punishment.

Failure to perform duty misdemeanor.

Sec. 35. If the clerk of the Superior Court, board of aldermen of the city of Charlotte, or any member thereof, chairman of the board of county commissioners or any member of such board, or any election officers required by this act to perform any duties pertaining to said election shall willfully fail or refuse to perform any duty or do any act required to be done by him or them under the provisions of this act, he shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Punishment.

Forfeit for refusal to qualify.

Sec. 36. That any person elected mayor or alderman who shall refuse to qualify as such shall forfeit and pay to the equal use of the city and of him who will sue therefor, the sum of twenty-five dollars.

Law applicable to all elections.

Sec. 37. That the provisions hereinbefore made for holding the elections of the mayor and board of aldermen shall apply to the holding of all other city elections, including elections in regard to intoxicating liquors and bond elections: *Provided, however*, that in elections held on other dates than that provided for the election of the mayor and board of aldermen, the registration books shall be opened forty days prior to the election and kept open for thirty days, including (but not on) Sundays; but if the first day comes on Sunday, then they shall be opened the preceding day.

Proviso: special elections.

MAYOR'S DUTIES AND POWERS.

Mayor chief executive. Duty and powers.

Sec. 38. The mayor shall be the chief executive officer of the city. He shall be active in enforcing the laws and ordinances of the city, and shall have power to appoint special policemen for any special occasion, and to call upon the local military, under an order of the Governor of the State, for the suppression of any riot or public disturbance.

Execution of contracts.

Sec. 39. He shall sign all written contracts or obligations of the city, and no contract of the city, required to be in writing, shall be binding upon the city until signed by the mayor. He shall have authority to administer oaths in any transactions or proceedings connected with the city government; and all official oaths of the commissioners, policemen, or other officers of said city may be administered by the mayor.

Administration of oaths.

Approval and renewal of bonds.

Sec. 40. It shall be the duty of the mayor to approve all bonds required by law to be given by any city official or by any contractor for public work, and in case he should object to the security thereon, new and approved security shall be given before such bond shall be received. Where the security on any such bond shall become insufficient or insolvent, he shall require new and additional security.

Exhibition of books and papers. Refusal abandonment of office.

Sec. 41. The mayor shall have authority to require any officer of the city to exhibit his official books and papers, and the refusal of any officer when so required shall be deemed a forfeiture and the abandonment of said office. He may employ experts to examine the affairs of any department of the city when he deems it necessary, and in all cases of investigation of such department of any charges against any officer or employee of the city he shall have the power to administer oaths, to subpœna and compel the attendance of witnesses and the production of books and papers.

Powers in examination of departments.

Information and recommendations.

Sec. 42. He shall from time to time, and as often as by them required, give the board of aldermen information about the condition of city affairs and recommend for consideration such measures as he deems best for the city; and he may exercise such other powers and perform such other duties as may be required by the board of aldermen not inconsistent with this charter.

Meetings to be presided over.

Sec. 43. It shall be the duty of the mayor to preside at all meetings of the board of aldermen, regular and special; at all meetings of the committees of which he is *ex officio* chairman; in all meetings he shall have a vote in case of a tie, and shall have the power to veto any ordinance, resolution, or other measure adopted by the board of aldermen: *Provided, however*, that such ordinance, resolution, or other measure may be passed over his veto by a two-thirds vote of the members present at the next regular meeting succeeding such veto.

Veto power.

Proviso: passage over veto.

Meetings for consultation and advice.

Sec. 44. That whenever the mayor shall deem necessary, the members of the several departments of the city shall meet with

him at the time and place designated by said mayor for consultation and advice upon the affairs of the city.

Salary of mayor.

Sec. 45. That, after the first Monday in May, one thousand nine hundred and thirteen, the salary of the mayor of said city shall be fixed by the board of aldermen, and shall not be more than thirty-five hundred dollars nor less than two thousand five hundred dollars per annum, to be paid monthly by the city treasurer, and the mayor shall receive no other compensation whatever for his services. The mayor *pro tem.* shall receive a compensation of an amount equal to the proportionate part of the mayor's salary for the time he shall serve as mayor, which shall be paid out of the treasury of the city during such time as the mayor shall be absent on city business, unable to attend to the business of the city on account of sickness or absent by consent of the board of aldermen; at any other times such amount shall be deducted from the mayor's salary.

Pay of mayor pro tem.

Mayor to be sworn.

Sec. 46. That upon the day following his election, or as soon thereafter as practicable, the mayor shall take the following oath:

Form of oath.

"I do solemnly swear that I will, to the utmost of my power, support, advance, protect, and defend the good order, peace and welfare of the city of Charlotte and its inhabitants, and will faithfully demean myself in the office of mayor of said city, according to the ordinances and regulations thereof, to the best of my skill and judgment; I do swear that I will support the Constitution of this State; I do also swear that I will support the Constitution of the United States."

BOARD OF ALDERMEN.

Terms of aldermen.

Sec. 47. That the aldermen of the city, when elected as hereinbefore provided, shall hold office for a term of two years and until their successors are elected and qualified. They shall form one board, and a majority of the board duly assembled shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting after election they shall fix stated days of regular meeting for their term, which shall be as often, at least, as once in every month. They shall also elect, for their term, a mayor *pro tem.*, whose duty it shall be to preside at their meetings and to perform his other duties in the absence of the mayor and while he is physically or otherwise incapable to act. Special meetings of the board may also be held on the call of the mayor or of a majority of the aldermen; and of every such meeting, when called by the mayor, all the aldermen then in the city shall be notified at least ten hours before the meeting, and when called by a majority of the aldermen, such as shall not join in the call shall be so notified. In case the office of mayor or alderman should become vacant by resignation, death, or otherwise, the board of aldermen shall elect his successor for the unexpired term. Each alderman of the city shall receive a compensation of ten

One board.

Quorum.

Regular meetings.

Mayor pro tem.

Special meetings.

Vacancies.

Pay of aldermen.

dollars per month, payable monthly, from which shall be deducted two dollars for each meeting, whether regular or special, which he shall fail to attend, unless he shall give an excuse satisfactory to the board. Such deductions not to exceed, however, ten dollars per month. Deductions. Limit of deductions.

Sec. 48. That the board of aldermen shall have power to make, and provide for the execution thereof, such ordinances for the government of the city as they may deem proper, not inconsistent herewith or with the laws of the land. Legislative powers.

Sec. 49. That the board of aldermen shall have control of all the finances and of the property, real and personal, belonging to the city, and of all matters pertaining to the administration of the affairs of the city, except as herein otherwise especially provided, and among the powers hereby granted shall have power and authority, by ordinances duly enacted: Control of finances and property. Powers specifically granted.

(1) To provide, according to law, for the payment of any existing indebtedness, and of any obligation that may from time to time be made by the city, and to appropriate funds for that purpose. Payment of debts.

(2) To establish, construct, and keep in repair streets, sidewalks, bridges, culverts, drains and conduits in the city, to regulate the construction and use of the same, and to abate or punish any obstruction or encroachment thereon or any damage to or destruction thereof. Establishment, maintenance, and regulation of streets.

(3) To prevent excavations on any street or sidewalk unless by permission of the board or except under the direction of the city engineer; to prescribe and exact fees for such privilege, and to require deposits as guarantees of the proper restoration of such street or sidewalk. Excavations on streets.

(4) To provide for the lighting of the streets, public grounds and public buildings, and for furnishing light to the citizens of said city, by contract or otherwise, and to erect, own, and operate machinery, fixtures, appliances and appurtenances of every nature whatever, necessary for said purposes. Lights and light plant.

(5) To regulate the speed of all railroad trains, street cars and locomotives within the city and their stops at street crossings; to require the companies to keep the streets through which they run in repair, and to require all railroad companies or street railway companies to light the streets over or across which their trains or cars are operated whenever deemed necessary; to prescribe the kind of lights to be used, and to levy special taxes or assessments upon them for street improvement in the same manner as against abutting property-owners. Regulation of trains, street cars and locomotives.

(6) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary. Gates or watchmen at street crossings.

(7) To regulate and control the laying and construction of railroad tracks, turnouts, and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that Construction and location of tracks.

they be kept in repair. To regulate and control the location of cable and street railroad tracks and all steam railroad tracks, and to require railway companies of all kinds to construct at their own expense such bridges, turnouts, culverts, crossings, and other things as the board of aldermen may deem necessary.

Regulation of steam engines.

(8) To control and regulate the location and use of steam engines in the city, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

Automobiles, motor cars and heavy vehicles.

(9) To regulate the use of automobiles, motor cars, motorcycles, or any motor vehicles; to issue permits for the use of such vehicles, and to require the same to be numbered, and to regulate the use of heavy vehicles upon the streets of the city and prescribe the streets upon which they shall be operated.

Regulation of dairies and standard of milk.

(10) To provide for the inspection of all dairies inside and outside of the city limits doing business within the city and charge and provide for license fees; to regulate and maintain a standard for the quality of milk sold in the city and provide for penalties for the violation thereof.

Slaughter and sales of fresh meats.

(11) To regulate, license or prohibit the business of slaughtering animals in the city limits, to revoke such license for malconduct in business; to regulate and license the sale of fresh meats, and to license and regulate or prohibit slaughter-houses which furnish meats to markets within the city.

Sanitation.

(12) To require any owner or occupant of any dairy, grocery, blacksmith shop, stable, and slaughter-house to cleanse, repair, or abate, as may be necessary for the health, comfort, and convenience of the inhabitants.

Market regulations.

(13) To establish markets and market places, and provide for the government and regulation thereof.

Public grounds. Animals running at large.

(14) To establish and regulate public grounds, and to regulate, restrain, and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs, and other animals in the city, and to authorize the impounding and sale of the same for the costs of the proceedings and penalty incurred, and to order the destruction of such as cannot be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto, if provisions of the ordinance have been complied with.

Sunday ordinances.

(15) To pass ordinances for the due observance of Sunday and for maintenance of order in the vicinity of churches and schools.

Fire department.

(16) To establish and own stations and other property for a fire department for extinguishing fires, and to provide everything necessary for the regulation and maintenance of such department.

Fire limits.

(17) To establish fire limits, and prohibit the erection, building, placing, removing, or repairing of wooden buildings within said limits; to prohibit the removal of any wooden building from one

place to another within said limits, require all buildings within said limits to be constructed with fireproof material; also prohibit the repairing of wooden buildings within said limits when the same shall have been damaged one-third of their value, and to provide the mode of ascertaining such damage; also to declare all dilapidated buildings which they deem dangerous on account of fire, or for other reasons, nuisances, and require the same to be removed in such manner as the board may direct.

Building regulations.

(18) To provide for an inspection of the construction of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the city, and cause the same to be changed, whether telegraph, telephone, electric light, or otherwise; to require all telegraph, telephone, electric light, or other wires to be laid underground; to provide for the supervision and inspection of all electrical works and appliances used or intended for the use or manufacture or supplying or receiving of electricity within the city, either for light, heat, power, telephone, telegraph, or signaling systems; for the inspection of all plumbing work, water fixtures, and sewer connections constructed or being constructed in said city.

Erection of poles.

Wires.

Inspection of electrical works and appliances.

Plumbing work.

Entry on premises for inspection.

(19) To authorize one or more officers, agents, or employees of the city to enter in and upon all buildings and premises, within the city, to inspect and discover whether the same are dangerous on account of fire, or in any unclean state; to cause all defects to be remedied, and filth and trash to be removed, and to establish such regulations for the prevention and extinguishment of fires as it may deem expedient.

Fire-escapes.

(20) To require the construction of suitable fire-escapes on or in hotels, lodging-houses, factories, theaters, and other buildings, whether now built or hereafter to be built.

Construction of flues and heating apparatus.

(21) To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, boilers, furnaces, and other heating apparatus, and cause the same to be removed and made safe; and to prevent nuisances on account of dense smoke from furnaces.

Smoke ordinances.

Exits of public buildings.

(22) To regulate the size, number, and manner of construction of doors and stairways of theaters, tenement-houses, audience-rooms, public halls, and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe, and speedy exit in case of fires; to make such regulations in regard to such buildings for the purpose of preventing or decreasing the danger of fire as it may deem expedient.

Definition and abatement of nuisances.

(23) To define, according to law, what shall be nuisances in the city, and to abate them by summary proceedings, and to punish the authors thereof by penalties, fines, or imprisonment.

Crematories.

(24) To establish one or more crematories and to provide for the removal of all filth, carcasses of dead animals, and other

Sanitation of premises.

unhealthful substances for cremation, and to require the owners and occupants of all premises to keep them in a cleanly condition.

Private drains.

(25) To require the owners of private drains, sinks, and privies to fill up, cleanse, drain, alter, relay, repair, fix, and improve the same, as they may be ordered by ordinance, and impose penalties

Work done by city on default of owner.

on persons failing to do the same. If there be no person in the city upon whom such order can be served, the city can have such

Costs a lien on property.

work done, and costs of the same shall be a lien on the property and taxed up against it, and collected in such manner as the board may determine.

Cemeteries and burial regulations. Vital statistics.

(26) To establish one or more cemeteries and to regulate the burying of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons, and others for any default in the premises.

Sewerage and sewage disposal. Extension beyond limits.

(27) To establish systems of sewerage and works for sewage disposal, and to extend and build the same beyond the corporate limits, either for the purpose of continuing its mains or allowing connections by residents of territory outside of the city of Char-

Enforcement of connections.

lotte and within Charlotte Township; to require the owners of real property upon which residences or other buildings are located, abutting upon the streets in which sewers and water mains are located, or within a reasonable distance thereof, to connect said residences or other buildings with public sewers and water mains; to make by ordinance reasonable rules, regulations, and conditions for connections with and opening into the public sewers and water

Rates.

mains, and to fix reasonable fees and rates to be charged to property-owners for such connections and openings and the subsequent use thereof, which rates shall also apply to the owners whose property has heretofore been connected with the public sewers and water mains, now established, as well as owners of that to be

Tax per front foot.

connected hereafter; to levy a tax not exceeding five cents per front foot upon every building lot fronting on any sewer line in

Charges and connections outside of city.

the city of Charlotte; to make in their discretion additional fees, charges, rules and regulations to apply to persons outside the city limits connecting with such public sewers and water mains; to pass such ordinances as shall be necessary to enforce the collection of such fees, charges, and taxes.

Census of city.

(28) To provide for taking an enumeration of the inhabitants

Appointment and compensation of commissioner.

of the city; it shall be the duty of the Governor of the State, whenever the board shall, by resolution, so request, to appoint a commissioner, who shall supervise such enumeration, whose compensation, together with all expenses of such enumeration, shall be paid in such manner as the board of aldermen may provide.

Fines, forfeitures, and penalties.

(29) To prescribe fines, forfeitures, and penalties for breach of any ordinance, enforcing the powers granted in this charter, and

to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

(30) To require the owner of every building in the city to number the same in accordance with ordinances of the board of aldermen and pay to the city the cost of such numbers furnished by it. Numbering buildings.

(31) To require persons owning or controlling any building or plant in which fuel is consumed to put in such appliances for the consumption of smoke and to make such ordinances and rules concerning the burning of fuel as it may deem necessary; to regulate gases which may come from any plant or building and which may be harmful to citizens or their property. Fuel ordinances. Regulation of gases.

Sec. 50. That for the violation of any ordinance made by said board of aldermen they may prescribe penalties not exceeding fifty dollars for each offense, to be recovered before the recorder, and when judgment shall be given for any such penalty the party against whom judgment shall be rendered may, unless the penalty and costs be paid, be immediately committed to jail for the space of thirty days, or until payment thereof shall be made: *Provided, however*, that the said defendant shall have the right of appeal to the Superior Court. Limit of penalties. Commitment in default of payment. Proviso: right of appeal.

Sec. 51. That all penalties incurred by any minor for the breach of the provisions of this act, or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian, or master (if the minor be apprenticed) of such minor. Penalties incurred by minors.

Sec. 52. That it shall be unlawful for any mayor, alderman, or commissioner, or other officer of said city, directly or indirectly to become a contractor for work done for the city, or to become directly or indirectly personally interested in or receive profits from any purchase of supplies for any department of said city, and any such person so offending shall be guilty of a misdemeanor. Dealings with city by officers misdemeanor.

RECORDER'S COURT; POWERS AND AUTHORITY.

Sec. 53. A special court for the trial of misdemeanors, to be designated as "The Recorder's Court of the City of Charlotte," is hereby created and established. Recorder's court.

Sec. 54. Said court shall be a court of record, and the presiding officer thereof shall be known as the recorder, who shall be duly qualified and competent to perform the duties of the office, and who shall be an elector of the city of Charlotte. The recorder shall be elected by the board of aldermen, and he shall be elected at the first meeting of the said board of aldermen in the year one thousand nine hundred and thirteen, after the mayor shall have been elected; he shall hold office for one year and until a successor shall be elected and qualified. At the expiration of his annual term of office the board of aldermen shall elect his successor. His salary shall be fixed by the board of aldermen, not exceeding the sum of fifteen hundred dollars per year, payable in monthly installments, and shall not be diminished during his term of office. Court of record. Recorder. Election of recorder. Term of office. Election of successor. Salary.

Sessions of court.

Sec. 55. The recorder shall hold daily sessions of the court in the city hall in the city of Charlotte, beginning at nine-thirty o'clock a. m., Sundays excepted, and continuing until the business of the court is disposed of. Before the close of the regular session of the court, or at any time to which the trial may be continued, when there shall be any criminal offense within the jurisdiction of the recorder, charged against a minor under the age of sixteen years, the recorder shall hold a private session of his court for the trial of such cases; there shall be admitted to such trial, unless demanded, only the witnesses for and against the defendant, the relatives of such defendant, the secretary of the Associated Charities, the city solicitor, and attorney for the defendant. The mayor shall designate one of the policemen of the city who, in addition to any other duties required of him, shall, under the direction of the recorder, take charge of any minor under the age of sixteen years whom the recorder shall deliver to him, and investigate the treatment and management of said child by his parent or parents or any person standing *in loco parentis*. He shall also continue to have charge of said minor for such time as he may be directed by the recorder, and in case he shall find, at any time, that the said minor is not under good control and management by his parent or parents or any person standing *in loco parentis*, or, in case there shall be no person having charge or control of said minor, he shall report the same to the recorder, who shall have power, upon such report being made to him, or at any time in his discretion, to make application to the clerk of the Superior Court to apprentice said minor as provided by the laws of North Carolina.

Trial of juvenile offenders.

Policeman given charge of minor.

Investigation of treatment and management.

Minor apprenticed.

Criminal jurisdiction.

Sec. 56. Said court shall have all the jurisdiction and powers in all criminal offenses occurring within the corporate limits of the city of Charlotte which are now or may hereafter be given the justices of the peace, and shall also have original jurisdiction to hear and determine all offenses and misdemeanors consisting of the violation of any of the ordinances of the said city.

Further criminal jurisdiction.

Sec. 57. In addition to the jurisdiction conferred by the preceding section, the said court shall have original jurisdiction to hear and determine all criminal offenses committed within the corporate limits of the said city below the grade of felony as now defined by law, and all such offenses committed within said city limits are hereby declared to be petty misdemeanors.

Petty misdemeanors.

Warrants.

Sec. 58. Warrants may be issued by the recorder for any person or persons charged with the commission of any offense as defined in the two preceding sections of which the said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the Superior Court of Mecklenburg County, and upon such appeal the trial in Superior Court shall be *de novo*.

Right of appeal.

Persons bound over to recorder's court.

Sec. 59. In all cases heard by justices of the peace and other committing magistrates against any person or persons for any

offense included in this act, in which said justices of the peace or other committing magistrates have not final jurisdiction, and in which probable cause of guilt is found, such person or persons shall be bound over in a reasonable recognizance, with sufficient surety, to appear at the next succeeding session of the recorder's court for trial, and in default of such recognizance such person or persons shall be committed to the common jail of Mecklenburg County awaiting trial. Any justice of the peace of the city of Charlotte may issue his warrants for any of the offenses enumerated in this act, and may make the same returnable to the said recorder's court. All trials in the said court shall be upon warrants issued by said court or by any justice of the peace as aforesaid. Any person convicted in said court of any of the offenses embraced in this act shall be fined or imprisoned, or both, according to law. Whenever any person is convicted in said court and the punishment imposed is imprisonment and cost, the recorder shall have power to sentence the defendant to the county jail of Mecklenburg County, to be worked upon the county roads until such sentence has been complied with.

Warrants returnable to recorder's court.

Trials on warrants.

Punishments.

Sentences to road work.

Sec. 60. The recorder shall preside over the said court and hear, try, and determine all criminal actions of which said court has jurisdiction, except criminal charges against the mayor, or board of aldermen, or any police officer of the city of Charlotte, or in cases where the said recorder is legally incompetent to try the same, such incompetency to be construed to mean the same as would disqualify a judge of the Superior Court to try a case pending in that court. Criminal charges against the mayor or any member of the board of aldermen or any policeman of the city shall be triable in that court which would have jurisdiction thereof in case the said recorder's court did not exist.

Actions tried by recorder.

Disqualification.

Charges against officers.

Sec. 61. The practice and proceedings in the said recorder's court shall be the same as are now or may hereafter be prescribed by law in courts of justices of the peace, except that section one thousand four hundred and fifty-five of the Revisal of nineteen hundred and five of North Carolina shall not apply to the recorder's court, and in lieu of the procedure provided in sections one thousand four hundred and twenty-eight to one thousand four hundred and forty-three, inclusive, a jury trial may be had in the following manner: Any defendant or the prosecuting attorney may demand a trial by jury at the time of joining the issue of fact. If neither demand at such a time a jury, they shall be deemed to have waived trial by jury. There shall be at least one jury day each week, to be designated by the recorder, but the recorder shall have power to designate additional jury days if he deems necessary. The clerk of the board of county commissioners shall furnish on demand to the recorder a list of the jurors for the county. The recorder shall keep a jury box having two divisions, marked respectively "Number One" and "Number Two," and having two locks, the key

Practice and proceedings.

Jury trials.

Jury days.

Jury lists.

Jury box.

to be kept by the recorder. The names of all jurors for Mecklenburg County residing in the city of Charlotte shall constitute the jury list for the recorder's court. The recorder shall cause the names of all persons on such list to be written on small scrolls of paper of equal size and to be placed in the jury box in division marked "Number One," until drawn out as herein provided. On Wednesday of each week the recorder shall cause to be drawn from the jury box out of division marked "Number One," by a child not more than ten years of age, ten scrolls, and the scrolls so drawn shall be put in partition marked "Number Two." If any of the persons drawn shall be disqualified, the scrolls with the names of such persons shall be destroyed and other persons shall be drawn in their stead. In case any person drawn shall give a valid excuse to the recorder for not serving, another scroll may be drawn at any time, and the person whose name appears thereon may serve in the place of the person excused. The drawing out of division marked "Number One" and putting the scrolls drawn into division "Number Two" shall continue until all the scrolls in division "Number One" are drawn out, when all the scrolls shall be returned into division marked "Number One," and drawn out again as herein directed. A list of the persons drawn shall be immediately delivered by the recorder to any policeman in the city, with an order indorsed thereon directing him to summon the persons named in the list to appear as jurors upon the jury day for the succeeding week or any other jury days during such week which may be named by the recorder. A jury shall consist of six persons and shall serve one week, but by consent of the prosecuting attorney and the defendant, a less number may constitute a jury in any case. The prosecuting attorney and the defendant shall each be entitled to challenge peremptorily two of the persons drawn as jurors. The first six drawn shall constitute a jury, unless any of them shall be challenged and withdrawn, in which case the place of the one withdrawn shall be supplied by the others drawn in the order of the drawing. If a competent and indifferent jury is not obtained from the persons drawn as before specified, the recorder may direct others to be summoned from the bystanders sufficient to complete the jury. The jury shall be sworn and impaneled by the recorder unless there be a clerk of said court, in which case the jury shall be sworn and impaneled by said clerk, and the verdict shall be recorded in the docket of the court and judgment shall be entered in the case according to such verdict. Each juror shall receive a fee of seventy-five cents for each day he shall attend. The person convicted or who shall be adjudged to pay the costs shall pay a tax of two dollars. If any defendant shall demand a jury trial, the case against him shall be continued until the next jury day, and the recorder shall require such bond of the defendant as he may deem proper to insure the appearance of the defendant.

Drawing jurors.

Summons for jurors.

Jury of six.

Challenges.

Talesmen.

Jury sworn and impaneled.

Fees of jurors.

Tax fee.

Continuance.

Sec. 62. In all cases there shall be a right of appeal on the part of the defendant adjudged guilty to the next term of the Superior Court. In all cases of appeal the defendant shall be required to give bond with sufficient surety to insure his appearance at the next succeeding term of said Superior Court, and in default thereof shall be committed to the common jail of Mecklenburg County until he shall be discharged according to law. Right of appeal. Bond on appeal. Commitment in default of bond.

Sec. 63. Said court shall have jurisdiction to try all actions for recovery of any penalty for the violation of any ordinance of the said city, such penalty to be sued for and recovered in the name of the city of Charlotte, and if incurred by a minor, shall be recovered from and in any action against his parents or guardian, or, if he be an apprentice, against his master, with the right to appeal to the Superior Court on the part of the person against whom judgment may be rendered for such penalty. Recovery of penalties. Penalties of minors and apprentices.

Sec. 64. The recorder may issue his precepts to the chief of police or any policeman of the city of Charlotte, to the Sheriff of Mecklenburg County or any constable of said county, or any officer to whom a justice of the peace may direct his precepts. The recorder shall cause to be kept a faithful minute of all warrants or precepts issued by him, and of all his judicial proceedings; warrants, precepts, or other process issued by the recorder shall be executed by any officer above named. Persons to whom precepts shall issue. Record of warrants and precepts.

The costs in the said recorder's court shall be as follows: Costs.

Affidavit of complaint	$ .50
Warrant of arrest	1.00
Commitment	1.00
Entering judgment	1.00
Taking bond	.50
Issuing subpœna (for each witness)	.15
Preparing bill of cost	.25
Continuance	.50

The fees for serving process and precepts of the recorder's court to the policemen or other officers herein mentioned shall be the same as is now prescribed by law for sheriffs or constables. All fees or costs of the recorder, chief of police or policemen of the city shall be the property of the city, and shall be paid over to the city treasurer. Fees for serving process. Fees to use of city.

Sec. 65. In case of a vacancy occurring in the office of the recorder for any cause, said vacancy shall be filled by the board of aldermen for the remainder of the term. The recorder may be removed from office by the board of aldermen by unanimous vote for malfeasance in office. Vacancy filled by aldermen. Removal for malfeasance.

Sec. 66. Immediately upon the qualification of the recorder, or as soon thereafter as may be practicable, the board of aldermen shall elect a duly qualified elector of the said city, possessing the qualifications of the recorder, as substitute recorder, who shall per- Substitute recorder.

form the duties and have all the power of the recorder in case of his temporary absence from the city or disability to perform the duties of this office. The term of office of the substitute recorder shall be concurrent with that of the recorder, and he shall receive as compensation for his service the sum of five dollars ($5) per day for such time as he may be actually engaged in the performance of his duties, to be deducted from the salary of the recorder.

Term and compensation.

Appointment and compensation of clerk.

Sec. 67. The board of aldermen are authorized to appoint and employ a clerk for the said recorder's court and fix his salary. In the event this power is not exercised by the board, the recorder shall perform the duties of clerk of said court.

TREASURER, CITY TAX COLLECTOR, AND CITY ATTORNEY.

Treasurer, tax collector, and attorney.

Sec. 68. That at the first meeting of the board of aldermen in May of each year, or as soon thereafter as practicable, they shall select a city clerk and treasurer, a city tax collector and such deputies or assistants as they may deem necessary, who shall hold their offices, respectively, for a year, and until their successors are elected and qualified, subject, however, to be removed at any time, and others appointed in their stead, for misbehavior or neglect in office. Before acting as such, each of said officers shall take an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen; each shall execute a bond in such amount as the board may require, not less than fifty thousand dollars, with security, to be approved by the board. The bonds required of the clerk and treasurer and tax collector shall be increased or renewed whenever required by the board of aldermen. If the board of aldermen shall deem it advisable, it may consolidate the offices of city clerk and treasurer and city tax collector, giving to the city clerk and treasurer the duties and powers of both offices, and may elect an assistant city clerk and treasurer. If such consolidation is made, the bond of the city clerk and treasurer shall be in such an amount as the board may require, not less than fifty thousand dollars, and the board may require such bond from the assistant city clerk and treasurer as it may deem proper: *Provided, however*, that nothing herein contained shall prevent the board of aldermen from electing an assistant clerk and treasurer without consolidating the offices of clerk and treasurer and tax collector. If the said two offices shall be consolidated as aforesaid, and the city clerk and treasurer shall perform the duties required of the city tax collector, then said clerk and treasurer shall have all the powers of the city tax collector set forth in this charter, shall in the collection of taxes act in the same manner as it is provided that the tax collector shall act, and in all cases where the name of the city tax collector shall appear in this charter the name of the city clerk and treasurer shall be substituted.

Removal for cause.

Officers to qualify.

Bonds of officers.

Consolidation of offices.

Bond of clerk and treasurer and assistant.

Assistant clerk and treasurer.

Powers as tax collector.

Sec. 69. The salary of the clerk and treasurer, and that of the assistant clerk and treasurer in case one shall be elected, shall be fixed by the board. It shall be the duty of the clerk and treasurer to keep regular and fair minutes of the proceedings of the board of aldermen, and to preserve all books, papers, and other articles committed to his care during his continuance in office, and deliver them to his successor. He shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said city, disburse the same according to an order given, in obedience to the ordinances of said board, appearing on their minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose, showing from what source money is received and for what purpose paid out, and shall submit said accounts to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said city, and faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board.

Salaries. Duties. Minutes of proceedings. Safe-keeping and disbursement of moneys. Accounts. Settlement with successor.

Sec. 70. The city tax collector shall have a fair and reasonable salary, to be fixed by the board of aldermen, and shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax list as due for city taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll tax and taxes on personal property certified by the clerk of the commissioners of the county, by order of the board of county commissioners, to be insolvent and uncollectible. He shall at no time retain in his hands over two thousand dollars for a longer period than seven days, under a penalty of ten per cent per month to the city upon all sums so unlawfully retained. The board of aldermen at a meeting before the last regular meeting in each year shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The board of aldermen may at any other time they may deem advisable audit the books and accounts of the city clerk and treasurer or the tax collector. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute-book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and duly pay up the taxes by law due from him, and he shall not be eligible to reëlection to said office.

Salary of tax collector. Charges. Credits. Penalty for retention of money. Audit and settlement of accounts. Record of approved accounts. Removal for failure to settle.

Sec. 71. The board of aldermen may by ordinance establish rules for management of the city revenues and for payment of all claims on which the city may be liable.

Management of revenue and payment of claims.

Election and duties of assistant collector.

Sec. 72. That whenever the board of aldermen shall deem it necessary to elect an assistant tax collector, his duties shall be to assist the collector in collecting all taxes and licenses due the city, and perform such other duties connected with the office as may be required of him by the collector, the mayor, or the finance committee; and he shall be elected for such term, give such bond, and receive such compensation as the board may determine.

Term, bond, and compensation.

City clerk.

Sec. 73. That whenever the public business shall require it, said board may establish the office of city clerk, separate from that of city treasurer, and shall define his duties. And said board shall have power to allow the clerk and treasurer such assistants and such additional compensation for the proper discharge of his duties as the board shall determine.

Assistants and additional pay.

City attorney.

Sec. 74. That the board of aldermen, signified at the first meeting of the board after their election, or as soon thereafter as practicable, shall appoint a city attorney, who shall hold office during the term of the board electing him, and whose duties shall be to attend to all cases in any court of the State and of the United States wherein the city or any of its departments may be a party in interest, unless the board shall otherwise provide; to draw all ordinances and contracts referred to him, to inspect and pass upon all papers and documents involving any interest of the city. He shall be the legal adviser of the mayor, the board of aldermen, or any committee thereof, and shall advise any and all officers of the city upon legal questions touching their official duties, and shall perform all legal services required by the mayor or board of aldermen.

Term of office.

Duties.

Legal adviser.

TAXES.

General taxes.

Sec. 75. That in order to raise a fund for the expenses incident to the proper government of the city, the board of aldermen may annually levy and collect the following taxes, viz.:

Tax on property.

(1) On all real and personal property within the corporate limits, and on all personal property owned by residents of said city, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding one dollar on every hundred dollars value.

Poll tax.

(2) A poll tax not exceeding two dollars a poll on the taxable polls of all persons who may be residents in the city on the first day of June of each year.

Advertisement for listing taxes.

Sec. 76. That the city clerk and treasurer, on the third Monday in April of each and every year, shall make advertisement in some newspaper published in the city, notifying all persons who own or have control of property liable to taxation by the city on the first day of May, to return to him on or before the last day of May a list of their said taxable property; said list shall state the number of lots, or parts of lots, and all other property now taxable or that hereafter may be made taxable by the laws of the State

Items listed.

or the ordinances of the city, and the list so returned to the clerk and treasurer shall be sworn to before him in every case, and he is hereby authorized to administer the following oath: "I, A. B., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, in said city, a full and accurate list of all personal property, of Mecklenburg County bonds, and a full and accurate list of all other stocks, bonds, income, solvent credits, and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information, and belief; so help me, God." Lists to be verified. Form of oath.

Sec. 77. That from the returns so made the clerk and treasurer shall, within thirty days after the expiration of the term for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax lists are made out by law for the collection of State taxes; and the said clerk and treasurer shall copy in said book the assessments made by the board of township assessors of all property within the city limits. Tax books. Assessments copied in book.

Sec. 78. That the clerk and treasurer shall, within thirty days from the return of the tax list, make out, to the best of his knowledge and belief, by comparing his book with the returns made to the board of township assessors and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said city who shall have failed to return a list in the manner and time aforesaid, and said persons so listed shall forfeit and pay a sum fixed by the board, not exceeding twice the amount of his tax, which penalty may be recovered as other fines and penalties imposed by the board of aldermen before the recorder or any justice of the peace. Delinquent lists. Forfeit for failure to list.

Sec. 79. As soon as the clerk and treasurer shall have finished the assessment roll as provided, and the same shall have been revised by the board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector for his compensation shall receive not exceeding two per cent on the amount collected. Levy of taxes. Collection. Payment to treasurer. Commissions on collections.

Sec. 80. The personal property of a taxpayer shall be levied upon and shall be sold for the satisfaction of his taxes before resorting to his real estate, if sufficient personal property subject to levy and sale can be found in the city. Upon the service of the notice required by this chapter that his real estate is to be sold for taxes, it shall be incumbent upon the taxpayer to point out to the collector personalty out of which the taxes may be made, or else such taxpayer shall forfeit his right under this section. Levy and sale of personal property. Taxpayer to point out personal property.

Seizure and sale of personal property.

Sec. 81. The seizure and sale of personal property for taxes shall be governed by the laws regulating levy and sale under execution:

Proviso: powers of collector.

Provided, however, that the collector shall have all power given to sheriffs in seizing and selling such property.

Personal property liable to seizure.

Sec. 82. All the personal property subject to taxation shall be liable to be seized and sold for taxes, and the personal property of any deceased person shall be liable in the hands of any executor or administrator for any tax due by any testator or intestate;

Transfers void.

and all transfers of personal property by any taxpayer, made after his taxes are due, by way of gift, or mortgage, or deed of trust, or of assignment for creditors, or bequest by will, or in any other way, or for any other purpose than a *bona fide* sale for value in the ordinary course of dealing, shall be null and void as to such taxes and shall have no effect upon the rights, powers, and duties of the collector to levy upon and sell such property

Proviso: time of levy.

for such taxes: *Provided*, such levy be made within sixty days after such transfer.

Sale of real estate for taxes.

Sec. 83. If personal property of any taxpayer sufficient for the satisfaction of his taxes and subject to levy is not to be found in the city, it shall be the duty of the collector to sell the real estate of such taxpayer if delinquent in the payment of his taxes, under the directions set forth in this chapter.

Time of sale.

Sec. 84. The sale of real estate for taxes shall be made at the courthouse door of Mecklenburg County between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

Notice to delinquent.

Sec. 85. In addition to the advertisement required in the next succeeding section, at least twenty days before a sale of real estate for taxes there shall be served upon each delinquent taxpayer whose real estate is advertised for sale, if such person can be

Service of notice.

found in the city, a copy of such advertisement. The service may be made by any policeman of the city of Charlotte. If such delinquent cannot be found in the city, such notice shall be mailed to him at his post-office, to be ascertained by the exercise of reasonable diligence, and personal service also made upon his agent, if he have such agent in the city to the knowledge of the collector, or upon some person of suitable age and discretion, if there be any such in possession of or residing upon the land or some portion thereof.

Advertisement of sale.

Sec. 86. Before any real estate shall be sold for taxes, the collector shall give public notice of the time, place, and cause of such sale by advertisement at the city hall and in some newspaper published in the city, for four successive weeks immediately preceding the day of sale. Such advertisement shall set out a list of the lands to be sold and the amount of taxes, expenses, and costs due by the delinquent owner, giving his name.

Method of sale.

Sec. 87. All sales of real estate for taxes shall be at public outcry to the highest bidder; all the advertised real estate of each

delinquent shall be sold at the same time as one body, and no bid therefor shall be received unless sufficient in amount to discharge all taxes due by the delinquent, together with all costs and expenses of sale. If no such bid is received, the city shall be deemed the purchaser, and the collector shall so record it. If any bidder fail to pay the amount of his bid immediately upon his being declared the purchaser, the collector may resell at once, if he deem it proper to do so.

General laws applicable.

Sec. 88. Sections two thousand eight hundred and ninety-two to two thousand nine hundred and fourteen, inclusive, of the Revisal of one thousand nine hundred and five of North Carolina, substituting "the city tax collector of the city of Charlotte" for "the sheriff," shall apply to all sales of realty for taxes.

Attachments for collection of tax.

Sec. 89. If any poll tax or other tax shall not be paid when demanded, it shall be the duty of the collector, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery, due or belonging to the person liable or that may become due, and the person owing such debt or having such property in possession shall be liable for such tax. It shall be the duty of every person on demand or request made to give to the sheriff a list giving the names of all persons employed by him who are liable for tax. For the purpose of carrying into effect the provisions of this section, the following form shall be used as an attachment, viz.:

Lists of employees furnished.

Form of attachment.

To A. B.: Take notice, that this is to attach any debt that is now due or may become due to C. D., a delinquent in his poll (or property) tax for the year nineteen hundred and ....., and you are hereby summoned to appear before E. F., an acting justice of the peace for Mecklenburg County, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and costs of this proceeding. This ..... day of ....., 191...

Service of notice.

The notice shall be served by the Sheriff of Mecklenburg County or any constable of Charlotte Township, who shall receive twenty-five cents as costs.

Hearing and judgment.

The justice shall hear and determine the matter as in other civil actions, and if he find that the garnishee owes the delinquent any sum due or to become due during the calendar year, or has property or effects belonging to such delinquent, he shall give judgment against the garnishee for the taxes due by the delinquent and for costs, or for so much of such taxes and costs as the facts will warrant.

Action and proceedings.

If the amount of tax be beyond the jurisdiction of the court of a justice of the peace, the collector may proceed by action and attachment in the Superior Court. All actions and proceedings instituted under this section shall be in the name of the city tax collector.

Limit of judgment.

In no case shall

the garnishee be adjudged to pay a greater sum than his indebtedness to the taxpayer or the value of the property of such taxpayer in his hands or under his control.

Garnishee of corporations.

Sec. 90. Whenever any corporation doing business in this State shall be delinquent in the payment of any taxes assessed or charged against it, the collector may notify any agent or officer of such corporation, or any person indebted thereto, of the amount of taxes due and unpaid by such corporation, and thereupon such agent, officer, or debtor shall pay to such collector the amount he has in hand for, or of his indebtedness to, such corporation, or so much thereof as will satisfy such taxes and costs. The amount so paid shall be a discharge *pro tanto* of such agent, or officer, or debtor from his liability to such corporation. Any such agent, officer, or debtor who shall fail to pay over to the collector as required by this section shall be liable for such money in civil action to be brought by such collector in his name and official capacity; and such officer or agent of such corporation shall also be liable to criminal prosecution as is provided in the chapter on Crimes in the Revisal of one thousand nine hundred and five of North Carolina. If any corporation be delinquent for six months in the payment of the taxes lawfully assessed and charged upon or against it or its property, its charter shall be forfeited and a receiver shall be appointed to wind up its affairs in an action to be prosecuted by the Attorney-General in the name of the State.

Liability of officers and agents.

Delinquent to forfeit charter.

Subjects of taxation.

Sec. 91. That the taxes for city purposes may be levied on all real and personal property, trades, professions, businesses, occupations, and incomes, and on all persons and subjects of taxation which it is in the power of the General Assembly to tax for State and county purposes under the Constitution of the State; that all moneys arising from taxes, licenses, donations, or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituting a majority of all the aldermen.

Moneys paid to treasurer.

Appropriation.

Goats and hogs.

Sec. 92. That the aldermen may levy a tax on all goats and hogs running at large in the city, which shall not exceed ten dollars, and every such goat or hog may be seized and impounded, and if the owner on being notified will not pay the tax, the animal shall be sold therefor after three days notice at the door of the courthouse of Mecklenburg County.

Dog tax.

Sec. 93. That the aldermen may levy a tax not exceeding ten dollars on every dog within the limits of the city: *Provided*, that a discrimination may be made within this limit on the different species and sexes of dogs.

Proviso: discrimination of species and sex.

License tax on telephone, telegraph and express companies.

Sec. 94. That the board of aldermen shall have the power to impose for city purposes a license tax on all telephone, telegraph, and express companies, and no general law now or hereafter in force, in conflict herewith, shall repeal or be deemed to repeal this section unless expressly so provided.

Sec. 95. That the board of aldermen shall have power to graduate any of the license taxes levied on trades or business by dividing the business or trades into classes according to size, patronage, or income; it shall have the power to graduate the license tax upon persons or corporations using the streets of the city for maintaining poles according to the number of poles maintained, and in levying said license tax it shall have the power to discriminate between iron poles and wooden poles: *Provided*, the said tax must be uniform for all in a class. Graduation of license taxes. Proviso: taxes uniform as to class.

Sec. 96. That any person carrying on or practicing any business, profession, trade, or avocation of any kind in said city upon which a license tax has been levied by said board without first having obtained a license therefor shall be guilty of a misdemeanor. Doing business without license a misdemeanor.

Sec. 96 (*a*). That it shall be the duty of the board of aldermen, in their levy of taxes, to make provision for paying the interest on the bonded debt of the city and for the paying of said bonds as they fall due; but no owner of past-due bonds shall be paid interest thereon after advertisement in some newspaper to present the same to the city treasurer for payment, unless expressly so provided by the contract or the city be held liable so to do by the courts. Taxes for interest and sinking fund. No interest on past-due bonds.

Sec. 96 (*b*). That in case the Constitution of the State of North Carolina shall be amended so that property in the city may be separately assessed by the city for taxation, then the board of aldermen may at any time prior to the first day of May in each year appoint a board of assessors for said city, with power to administer oaths, consisting of not less than three nor more than five freeholders, resident taxpayers of said city. Assessment for city tax.

The said board of assessors shall ascertain the true value in money of all personal property and every tract or parcel of land or other real estate, with the improvements thereon, and assess the same in accordance with said valuation. Said board shall meet at some place in the city of Charlotte on or before the first day of May in each year and elect one of their members chairman and one of their members secretary; the person elected secretary of the board shall receive the lists of all persons subject to taxation. He shall perform all clerical work required of the board of assessors. Board of assessors. Organization. Secretary.

The said board is hereby authorized and empowered to administer oaths in all cases to obtain full and correct information concerning any taxable real and personal property in the city of Charlotte so as to secure the proper assessment of said property; the assessment when made shall be in force for one year. Real property shall be valued by the assessors either from actual view or from best information that the assessors can obtain according to its true value in money. Powers of board. Valuation of real property.

Valuation of personal property. All articles of personal property shall, as far as practicable, be valued by the assessors according to their true value in money.

True value defined. The words "true value" shall be held and deemed to mean what the property and subjects would bring at a cash sale when sold in such manner as such property and subjects are usually sold.

Poll tax. The said board of assessors shall require also the listing of polls of persons subject to poll tax; the board of aldermen shall have the same power in connection with poll tax in the city as the board of commissioners of Mecklenburg County to exempt persons from the payment of poll tax in the county.

Advertisement for listing taxes. The said board of assessors shall advertise once a week for four weeks in some newspaper published in the city of Charlotte, notifying all taxpayers in the city to return to the board of assessors for the city all the real and personal property which each taxpayer shall own on the first day of May.

Compensation of board. The board of assessors shall receive such compensation as may be fixed by the board of

Regulations. aldermen of the city of Charlotte. They shall be subject to such further regulations as may be prescribed by the board of aldermen of the city of Charlotte by ordinance.

Application of general laws. The contents of the list filed by the property-owners; the penalty for failure to list; the place of listing property; the property specified on the list; what property shall be returned on a separate list; the list-taker's oath; the penalty for failure to administer oath; the property exempt from taxation; the place where real estate, polls, and personalty shall be listed; the penalty for making false statement to evade taxes; the method of dividing property upon sale; the method of correcting mistakes in assessments; the method of inserting omitted property; the furnishing list of exempt property by the assessors; and the oath taken by the board of assessors shall be the same as is prescribed in regard to the

Proviso: powers of aldermen. listing and making of assessments under the State laws: *Provided, however*, that the board of aldermen of the city of Charlotte shall have all the power of the board of commissioners of Mecklenburg County, and the words "township or county," shall be changed to "city" wherever they shall appear.

Acts and omissions declared misdemeanors. Any taxpayer who fails to list any personal property or poll liable to taxation by the city and any taxpayer refusing to answer any question respecting his property, or to file, sign, and swear to his returns, or any list-taker failing to administer an oath to the taxpayer, except in those cases where said oath may be made before some other person, shall be guilty of a misdemeanor.

Lists based on returns. A list shall be made, based upon said returns, in the same manner hereinbefore provided in regard to making out the tax list.

Basis for taxation. In case said constitutional amendment shall be passed, said assessments and list shall be the basis for taxation in the city of Charlotte, and the board of aldermen shall proceed to levy taxes on such subjects of taxation as they may choose, shall place the tax list in the hands of the collector for collection, and the laws here-

inbefore provided for the collection of taxes shall apply to the collection of the taxes based upon such assessment and list.

POLICE.

Police force.

Sec. 97. The police force of said city shall be composed of a chief of police, an assistant chief of police, and such sergeants of police, officers and patrolmen as shall have been provided by ordinance of the said board of aldermen. All such officers shall be appointed by the mayor, with the consent of a majority of said board present at any regular meeting.

Appointments by mayor.

Powers and duties of chief.

Sec. 98. The chief of police shall have control of the police, under the direction of the mayor, and shall be responsible for the discipline and efficiency of the police force, and shall make such reports in regard thereto as may be required by the mayor. All orders of the mayor to the police department shall pass through the chief of police, or, in his absence, the assistant chief of police.

Orders to pass through chief.

Removal for cause.

Any member of the force, including the chief, may be removed, suspended, or fined by the mayor upon proper cause shown, and in cases where a fine is imposed the mayor may, in his discretion, order the same to be deducted from his pay: *Provided, however,* that at a subsequent meeting of the board of aldermen such order or decision of the mayor may, in case of an appeal, be amended or overruled by a majority vote of the aldermen present; but, in case of removal or suspension by the mayor, the officer shall remain suspended until said appeal shall be heard and the order of the mayor amended or overruled. The mayor shall have power to appoint additional officers and patrolmen for temporary service, subject, however, to the power of a majority of the board of aldermen present at a subsequent meeting to order such appointment to cease.

Fines.

Proviso: appeal to aldermen.

Additional policemen.

Duties of police.

Sec. 99. The police force shall preserve the peace, protect persons and property, and obey and enforce all ordinances of the city and all criminal laws of the State and of the United States; and each member thereof shall wear a badge and uniform while on duty, that the people may recognize them as peace officers.

Badges and uniform.

Execution of process and preservation of peace.

Sec. 100. The chief of police and each member of the police force shall have power and authority to execute process and to preserve the peace within said city. They shall execute all process directed to them by the recorder of said city or other lawful officers in said jurisdiction.

Bond of chief.

Sec. 101. The chief of police shall give bond, in such sum as the board of aldermen may prescribe, for the faithful discharge of the duties of his office and for a faithful account of all money that may come into his hands from fines, penalties, and otherwise by virtue of his office. The cost of such bond shall be paid by the city.

Further enumeration of duties.

It shall be his duty to attend the recorder's court each day and report any violation of law or ordinance of the city; to collect all fines and penalties imposed, and pay the same to the city

treasurer; to execute the process and judgments of said court, and to perform such other duties as may be required of him by law and by the rules and regulations of said board.

Salary of chief.

Sec. 102. The salary of the chief of police shall be fixed by the board of aldermen, and shall not be less than twelve hundred dollars nor more than two thousand dollars per annum, and he shall receive no other compensation whatsoever for his services, but all fees now and heretofore prescribed to be taxed as his costs shall be paid to the treasurer of the city of Charlotte. The salary or pay of all other members of the police force shall be fixed by the board of aldermen.

Exclusive compensation.

Pay of policemen.

FIRE.

Composition of department.

Sec. 103. The fire force of said city shall be composed of a chief and such assistants, foremen, engineers, firemen, call firemen, station men, hose men, ladder men, telephone and telegraph operators as shall have been provided by ordinance of the board of aldermen. All such officers shall be appointed by the mayor, by and with the consent of a majority of the said board of aldermen present at any regular meeting.

Appointment.

Chief of fire force.

Sec. 104. The chief of the fire force shall be the executive officer of the force, under the direction of the mayor, and shall have complete control of the other officers, firemen, and employees in the force, subject to such control by the mayor. All orders of the mayor to the fire force shall pass through the chief, or, in his absence, the assistant chief. Any member of the force, including the chief, may be removed, suspended, or fined by the mayor upon proper cause shown, and in cases where fine is imposed the mayor may, in his discretion, order the same to be deducted from his pay: *Provided, however*, that in case of an appeal the order or decision of the mayor may, at any subsequent meeting of the board of aldermen, be amended or overruled by a majority vote of the aldermen present; but in case of removal or suspension by the mayor, the officer shall remain suspended until said appeal shall be heard and the order of the mayor amended or overruled. In case he may deem it necessary, the mayor shall have power to appoint additional officers and firemen for temporary service, subject, however, to the power of the board of aldermen to order at any subsequent meeting, by a majority vote of the aldermen present, that such appointment shall end.

Orders to pass through chief.

Removal, suspension, or fine.

Proviso: appeal to aldermen.

Additional appointments.

Duties of fire force.

Sec. 105. The fire force shall protect the lives and property of the people. In case of fire the mayor, or in his absence a majority of the board of aldermen, may order the blowing up or pulling down or destroying any house or houses or other structure, and no person shall be held liable, civilly or criminally, for acting in such cases in obedience to such orders.

Destruction of property in arresting fire.

Police powers during fires.

Sec. 106. The chief of the fire force and his assistants shall have full police powers during fires, and are authorized to make arrests for interference with or obstruction to their operations.

Sec. 107. That in the event of an alarm of fire the apparatus of the fire force shall have the exclusive right of way in and upon the streets, alleys, squares, and railroad crossings, in going to any fire, and, at a fire, it shall not be lawful for any person whomsoever to interfere with the firemen or their apparatus or appliances in any way. Fire apparatus to have right of way.

INSPECTION.

Sec. 108. The inspection of buildings which may be in course of erection or alteration or of any old buildings, and the supervising and inspection of all electrical works and appliances used or intended for the use, manufacturing, supplying, or receiving of electricity within the city, either for light, heat, power, telephone, telegraph, or signaling systems, and the inspection of all plumbing work, water fixtures and sewer connections constructed or being constructed in said city, shall be done by such officers as may be designated by the board of aldermen, and under such ordinances, rules or regulations as may be adopted by said board. Building, electrical and plumbing inspections.

Sec. 109. That the board of aldermen may establish one or more stations in said city for the public weighing of cotton by the cotton weigher of Mecklenburg County and such assistant weighers as he may appoint, subject to approval of the board of county commissioners. That said board of aldermen may appoint one or more cotton inspectors for each of said stations, whose duties and compensation may be regulated by ordinance of the city; and the duties of assistant weigher and assistant inspector may be performed by the same person. Cotton weighing. Cotton inspectors.

STREETS.

Sec. 110. It shall be the duty of the board of aldermen, and it shall have power, to make and supervise the construction and repair of streets, avenues, alleys, bridges, viaducts, aqueducts, sidewalks, drains, sewers, ditches, culverts, streams and water-courses, the lighting and sprinkling of streets or public places and the construction of all public improvements and public works in said city. The said board of aldermen shall have power to appropriate funds to employ such superintendents, engineers, and other employees as it may deem necessary to provide for the repair and construction of such improvements, and to pay to such employees whatever compensation it deems necessary and proper. Such employees shall be appointed by the mayor, subject to the consent of the board of aldermen. Powers as to streets. Superintendents, engineers, and other employees. Compensation. Appointment.

Sec. 111. The said board shall also have the control of all parks, squares, cemeteries, public buildings, and other property belonging to the city. The board of aldermen shall have the supervision of the platting of any and all territory within the corporate limits of said city into streets and squares; and where, within said territory, any owner of land shall desire the same to be platted into Public property. Subdivision of private property.

lots, or where the streets or alleys already laid out do not conform to the plan of the city, the laying out and platting of all such land into established streets and alleys shall be done under the direction of the said board; the names of all streets shall be subject to the approval of the board of aldermen.

TRANSPORTATION.

Transfer regulations.

Sec. 112. The board of aldermen shall have the power to regulate the fares for transportation by all licensed hacks and other vehicles on the streets of said city, to regulate the convenient transfer of passengers from one line to another of any railroad company or of any street railway company.

Purchase of lands.

Sec. 113. That when, in the opinion of the board of aldermen, any land, right of way, privilege, or easement shall be required for the purpose of opening new streets or of extending or widening those already opened, or for the extension and maintenance of the drainage and sewerage systems of the city of Charlotte, either within or outside the city limits in Mecklenburg County, said city may purchase the same from the owner or owners thereof and pay such compensation therefor as may be agreed upon; and when, in any case, the board of aldermen of said city shall find that additional land, water rights, privileges, rights of way or easements within or outside the city limits in Mecklenburg County are necessary to the operation of the system of waterworks, it may likewise purchase the same at an agreed price; but if said board should be unable to agree with the owner thereof for the purchase of such land, rights, privileges, or easements therein, condemnation of the same for such public use may be made in the manner hereinafter set forth. There shall be filed with the Clerk of the Superior Court of Mecklenburg County by the city a verified petition praying for the appointment of commissioners to appraise and value the real property or rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid, and to ascertain and report to the court what sum should be paid to the owner or owners as damages for the property, rights, privileges, or easements so taken, the said assessment to be made by the commissioners according to the value of the property, or rights, privileges, or easements to be acquired for public use. The petition shall set forth and describe the particular property, rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences of the owner or owners thereof, and other persons who have any interest therein which may be affected by the said condemnation, and whether any of the said owners are minors, with or without guardians.

Power of condemnation.

Petition for valuation.

Matters set forth in petition.

Summons to parties in interest.

Sec. 114. That upon the filing of the said petition the clerk of the Superior Court shall issue a summons to the parties interested in the lands, rights, privileges, or easements described in the peti-

tion, requiring them to appear at his office in the courthouse of said county on a day at least ten days after the service of the said summons and answer or otherwise plead to the petition, and the said proceedings shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties and appoint guardians in like manner as is provided by law in the case of special proceedings.

Order for valuation.

Sec. 115. That if the clerk shall find that the property, rights, privileges, or easements described in the petition are required for public use, he shall make an order appointing five disinterested and competent freeholders of Mecklenburg County to ascertain and assess the value of the property, rights, privileges, or easements proposed to be taken and the damages to be paid to the owner thereof by said city. The clerk shall issue a notice of their appointment to the said freeholders, to be served upon them by the sheriff of the county, and when so notified they shall within five days go upon the premises and ascertain the value of the lands, rights, privileges, or easements proposed to be taken for public use, determine by a majority vote the amount of damages to be paid for the same, and make report of their findings to the clerk of the Superior Court of said county within ten days after notice of their appointment. Before making such report, they may take the evidence of witnesses offered as to any values to be assessed, but shall not hear argument by the parties interested. That if any party to the proceedings shall be dissatisfied with the report of the commissioners, he may file exceptions thereto with the clerk of the Superior Court within ten days after the filing of the said report with said clerk, and all issues of fact and law raised before the clerk in the said proceedings and upon the said exceptions shall be transferred to the Superior Court for trial in like manner as provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term of the Superior Court after they are transferred, unless, for good cause shown, the trial or hearing of the matter is continued by the court; and the trial of said issues shall have precedence over all other civil cases or matters on the docket of said court. From the judgment of the Superior Court rendered in said proceedings any of the parties may appeal to the Supreme Court as in other cases pending in the Superior Court: *Provided, however*, that no appeal either to the Superior or Supreme Court shall hinder or delay the city or board in opening such streets, in constructing such lines, or erecting such improvements.

Notice to jurors.

Valuation of property.

Exceptions.

Transfer of case for trial.

Precedence of trial.

Right of appeal.

Proviso: appeal not to delay work.

Considerations governing valuation.

Sec. 116. That in making the valuation and assessment aforesaid, the commissioners shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right of way being surrendered, and also any benefit or advantage such owner may receive from the opening, extending, or widening of the street or any other improvements, and shall ascertain the

amount of loss or damage in excess of the said benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be. That the value of any benefit or advantage to any lot or land arising from the opening, extending, widening, or improving any street, or from other improvements and accruing to said lot or land in common with other lots or land similarly situated, may be assessed by the said commissioners against the lots so benefited, and shall be a lien thereon, and the payment thereof may be enforced as provided in this act; but the amount of said assessment shall be stated separately in the report of the commissioners. That in any case where the benefits to land caused by the erection of any such improvement are ascertained to exceed the damages to the land, then the city or board shall pay the costs of the proceedings, and shall not have a judgment for the excess of benefit over the damages.

Benefits assessed a lien on property.

Excess of benefits not charged.

Proceedings directed by court.

Sec. 117. That in all cases of appraisal under this act, where the mode or manner of the proceedings is not expressly or sufficiently provided for herein, the court before which such proceedings may be pending shall have the power to make all necessary orders and give proper directions to carry into effect the object and intent of this act, and the practice and procedure in such cases shall conform as near as may be to the ordinary practice and procedure in such court.

Order for condemnation of land.

Sec. 118. That when it is proposed to condemn any land, rights, privileges, or easements for the purposes herein specified, an order or resolution of the board of aldermen at a regular or special meeting of the board shall be made, stating generally or as near as may be the nature of the improvement for which the land is required, and authorizing procedure in accordance with this act.

Proceedings not affected by change of ownership.

Sec. 119. When any proceedings for appraisal of property or rights under this act shall have been instituted, no change of ownership or transfer of the real estate or any interest therein, or of the subject-matter of the appraisal or any part thereof, shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Proceedings for establishment of title.

Sec. 120. If at any time after the attempt to acquire such property or rights by appraisal or damage or otherwise it shall be found that the title to said property or right proposed to be taken or which has been acquired or condemned is defective, said city may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of the new proceedings the court may authorize the petitioner, if in possession of the said property or rights, to continue in possession of the same, and if not in possession, to take possession and use such property or right during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the petitioner on account thereof, upon such

petitioner paying into court a sufficient sum or giving security, as the court may direct, for the damages which may be finally assessed and recovered against it; and in every case any party interested in such property or rights may conduct the proceedings to a conclusion if the city delays or omits to prosecute the same.

Recovery of money if title proves defective.

Sec. 121. That if the title to any property or rights, privileges, or easements condemned in any proceedings instituted under this section shall prove to be defective, the city may by action recover of the party or person who has received the money or compensation for the property, rights, privileges, or assessments so condemned, any loss or damage it may have sustained by reason of said defect of title, not exceeding the amount so paid as compensation for the taking of the said property, rights, privileges, or easements.

Service of notice on nonresidents.

Sec. 122. That where any notice is required to be given in said proceedings and the person to be notified is a nonresident of Mecklenburg County, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be, and if the said person is a nonresident of the State, the notice may be served by the publication thereof once a week for four weeks in a newspaper published in the city of Charlotte, and the affidavit of the publisher, proprietor, or foreman of said newspaper that said notice was so published shall be sufficient *prima facie* proof of such publication, and the time of notice shall be counted from the last day on which the notice was inserted in said newspaper.

Notice by publication.

Title vested in city.

Sec. 123. That title to any real estate, rights, privileges, or easements which have been condemned under the provisions of this act shall vest in the said city upon its paying into court or to the parties entitled to receive the same the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in the said proceedings, and upon its further complying in all respects with the judgment of the court.

Record of final judgment.

Copies received in evidence.

Sec. 124. A copy of the final judgment of the court, duly certified by its clerk, may be registered in the office of the Register of Deeds of Mecklenburg County aforesaid, and said copy so certified by the clerk, or a copy of the registry of such judgment duly certified by the register of deeds, shall be received as evidence in all the courts of this State; and where the said copy is offered in evidence in any court not held in the county of Mecklenburg, the certificate shall have affixed to it the official seal of the certified officer.

HEALTH.

Sanitary measures.

Quarantine.

Sec. 125. The board of aldermen shall have full power to institute all sanitary measures necessary for the preservation of the public health of the city, and for the prevention or the generation and introduction of infectious and contagious diseases of any kind, and may exercise absolute power over the subject of quaran-

General laws applicable.

tine, personal or otherwise, and, in general, shall be clothed with all the power, authority, and jurisdiction conferred by sections four thousand five hundred and six, four thousand five hundred and seven, four thousand five hundred and eight, and four thousand five hundred and nine of the Revisal of one thousand nine hundred and five of North Carolina, and by any and all acts amendatory thereto.

Health regulations.

Sec. 126. The board of aldermen shall adopt such regulations as may be necessary to secure the health of the city, and the publication thereof shall be sufficient notice to any and all persons violating such regulations.

Pesthouses.

Sec. 127. That the board of aldermen may establish and maintain a hospital or hospitals, and may examine, stop, detain, or keep therein persons having or suspected of having smallpox or any infectious or contagious disease; may quarantine the city or

Vaccination.

any part thereof; may cause all persons in the city limits to be

Destruction of infected property.

vaccinated; may, without incurring liability to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other property which may be suspected of being tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease; and all expenses incurred in disinfecting or caring for any person by authority of this section shall be borne by the city.

Appropriation of funds.

Sec. 128. The board of aldermen shall have power to appropriate funds for such officers and employees as it may deem necessary

Sanitary department.

to provide for the health of the city and to maintain a proper

Officers.

sanitary department, including, if it deem necessary, a superintendent of health, a city biologist, a city food inspector, and such quarantine officers, sanitary inspectors, and other employees as shall have been provided by ordinance of the said board. It shall have power to consolidate any number of such offices into one.

Appointment of officers.

Such officers shall be appointed by the mayor, subject to the con-

Superintendent of health.

sent of the board of aldermen. In case the board shall provide for a superintendent of health to perform the duties attached to that office, he shall be a physician of experience in his profession. He shall perform all the duties required of him under such general rules and regulations as may be prescribed by the board

Bond.

of aldermen. He shall give bond in such sum as may be fixed by the board of aldermen for the faithful discharge of his duties.

City biologist.

Sec. 129. The city biologist shall devote such time as may be necessary to inspection of the public watershed and daily examinations of the public water supply, and shall make his reports on the same to the board of aldermen. He shall devote also such of his time as may be necessary to the discharge of such other duties as may be assigned to him by the board of aldermen.

WATER.

Management and control of waterworks.

Sec. 130. That the waterworks system of the city of Charlotte, which has been heretofore under the separate management and control of the board of water commissioners of the city of Charlotte, a corporation created under such name, shall henceforth be under the management and control of the board of aldermen of said city, and all land, real estate, rights, easements, franchises, choses and property of every kind, whether real or personal, the title to which is vested in the said board of water commissioners of the city of Charlotte, shall be and become vested in the city of Charlotte, and said board of water commissioners of the city of Charlotte shall no longer exist as a corporation. All bonds, contracts, or obligations of any nature incurred for or on account of said waterworks system in the name of or by said corporation, or by the city in its behalf, or by said corporation and said city jointly, shall be and become obligations of the city of Charlotte.

Property vested.

Water commission abolished. Debts heretofore incurred.

Rules and regulations for management of waterworks.

Sec. 131. That the board of aldermen, in the exercise of its control and management of the waterworks system, shall have power to make such rules, regulations, and ordinances in regard to the fixing of rates, the method of payment of rates, the shutting off of water in case prompt payment is not made, in regard to the waste of water and the use of water, and such other rules and regulations in connection with said management as they may deem necessary, and shall have power to enforce such rules, regulations, and ordinances.

Extension and improvement of system.

Sec. 131 (*a*). That the board of aldermen shall have power to acquire such additional property, water rights and privileges and make such improvement thereof or of any property now a part of the waterworks system as may be necessary to furnish the city of Charlotte and its inhabitants and the inhabitants of its suburbs with a sufficient supply of good and wholesome water, and shall further have power, when it may deem proper and for the best interest of the city or water system, to extend lines of water pipe beyond the city limits for the purpose of improving its water facilities or of furnishing persons, firms, or corporations in the suburbs of the city with water for domestic, manufacturing, or other purposes. All lines of water pipe which have by the board of water commissioners of the city of Charlotte been extended beyond the city limits shall be maintained and operated as a part of the waterworks system of the city, and all contracts and engagements made by the board of water commissioners of the city of Charlotte with reference thereto are in all respects validated.

Maintenance of extensions.

Contracts validated.

Introduction, distribution, and use of water.

Sec. 131 (*b*). That the said board shall regulate the introduction, distribution, and use of its water supply at all places within and without said city.

Limit of contracts.

Sec. 132. That the said board shall make no contract for the price of using water within said city for a longer term than five years.

Entry for stoppage of waste.

Sec. 133. That where unnecessary waste of water is known or suspected, the members of said board, and any engineer, superintendent, or inspector in their service, shall have authority to enter, after demand made and refusal, at all reasonable hours, any dwellings or other places where such water is taken and used, and examine and inquire into the cause of waste; and if any person refuses to permit such examination, or opposes or obstructs such officer in the performance of such duty, he, she, or they so offending shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace in an action by the said board, and the supply of water may also be cut off until the required examination is made and the required alterations and repairs completed.

Forfeit for obstruction.

Supply cut off.

Superintendent and other officers and employees.

Sec. 134. That the board of aldermen shall have power to elect a superintendent of the water system and such other officers and employees as it shall deem necessary to manage the said system. In case a superintendent of the waterworks system shall be elected, he shall hold office for such time as may be designated by the board of aldermen, and shall receive such salary as may be fixed by the board, not less than twelve hundred dollars nor more than twenty-four hundred dollars, and shall give bond with approved security for the faithful discharge of his duties, in such sum as the board of aldermen may prescribe.

Term and salary of superintendent.

Bond.

Appropriation of water rents.

Sec. 135. That the board of aldermen shall, out of any money received by them, pay, first, the interest upon such bonds of the city of Charlotte as were sold for the purpose of raising money to purchase and enlarge said system of waterworks, and the balance remaining after the payment of such interest shall be invested by the treasurer of the city of Charlotte under the direction of the board of aldermen, and shall remain and be known as a sinking fund to meet the payment of said bonds at their maturity.

Investment of sinking fund.

Interference with or injury to waterworks misdemeanor.

Sec. 136. That if any person or persons shall maliciously or willfully divert the water, or any portion thereof, from the said waterworks, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, or other property used or acquired for procuring or distributing the water, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court.

Punishment.

Right to use property.

Sec. 137. The board of aldermen and all persons acting under their authority shall have the right to use the ground or soil within the right of way of any street, railroad, highway, lane or alley for the purpose of improving or extending the plant of said system of waterworks, upon condition that they shall not perma-

nently injure any such property; that the same shall be restored to its original condition or damages done thereto shall be repaired by the said board.

Inspections of watershed and water supply.

Sec. 138. The board of aldermen shall provide for a regular inspection of the public watershed and for daily examinations of the public water supply by the city biologist.

Removal of persons for protection of watershed.

Sec. 139. That for the purpose of protecting said watershed from contamination, said board of aldermen, whenever it is reported by the city biologist or any inspector that a case of sickness on said watershed may produce conditions dangerous to the public health, shall have full power and authority, upon the advice of the superintendent of health or any competent physician that such person can be safely moved, to order the removal of such person suffering from such sickness to any hospital in the city of Charlotte, or, at the option of such person, to some other proper place beyond the limits of the watershed, and to cause any constable or other lawful officer to make such removal: *Provided*, all expenses for the care and attention to such person at said hospital be paid out of the treasury of the city.

Proviso: payment of expenses.

PERMANENT IMPROVEMENTS.

Powers in improving streets and alleys.

Sec. 140. The board of aldermen shall have full power and authority to grade, pave, macadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, and public alley of said city; to put down curbing, cross-drains and crossings on the same; to lay out and open new streets, or widen those already opened, and make such improvements thereon as the public convenience may require.

Improvement districts.

Sec. 141. That the board of aldermen shall have full power and authority to adopt, by ordinance, such a system of laying out districts or sections of streets, sidewalks, and public alleys for permanent improvement, and of equalizing the assessments of real estate to pay the cost of such improvements, as may be just and proper; and in order to more conveniently carry out the duties imposed by the provisions hereof, the board of aldermen shall have power and authority to pass ordinances assessing the entire cost of grading, paving or repaving, macadamizing or remacadamizing all such streets, sidewalks, and public alleys, including street intersections, and of putting down curbing and drains within any such district or section laid out for improvement, except such portion required to be paved or otherwise improved by street railroad companies or other railroad companies as in this act elsewhere provided, on the real estate abutting on the streets, sidewalks, or public alleys or any portion thereof in any such district or section so paved or repaved, macadamized or remacadamized or otherwise improved; and it shall be incumbent on the owner of the real estate abutting on each side of the street, sidewalk, or alley or part thereof in any district or section so improved or repaired to pay the amount

Assessments on abutting property.

Cost a lien on property.

Proviso: petition for improvement.

Assessment in absence of petition.

so assessed for such improvement, and such cost or charges shall be a lien on all such abutting property from the commencement of the work as provided in this act: *Provided*, that the board of aldermen shall not assess all such cost upon the abutting property-owners until and unless the persons owning the land abutting on such street, sidewalk, or public alley, or portion thereof proposed to be improved, which is as much as seventy-five per cent of the frontage abutting on such street, sidewalk, or public alley or portion thereof proposed to be improved (exclusive of the frontage at street intersections), shall in writing request said board to make such improvement; but in case the said request in writing shall not be made, then the board of aldermen shall have power to assess against the owners of property abutting on each side of the street, sidewalk, or alley or part thereof in any district or section so improved or repaired only the cost of the paving, not including the cost of grading, curbing, drains, and paving and permanently improving the street intersections, which, with the exception of that part of such improvement in this act elsewhere required to be paid for by street railroad companies or other railroad companies having tracks running through or across any street or streets laid out as permanent improvement districts or sections, shall be paid by the city out of its general funds.

Improvements by street railroad and railroad companies.

Sec. 142. That if any street railroad company or other railroad company have tracks running through or across any street or streets in any permanent improvement district or section, it shall be incumbent on such company to pave, repave, macadamize or remacadamize or otherwise improve with such material as may be ordered by the board of aldermen the space in such street or streets covered by its tracks, whether single or double, and thirty inches on each side of said single or double tracks, as the case may be, including any space between double tracks, as they now or may hereafter be constructed by any such company: *Provided*, that the board of aldermen, in order to secure uniformity in the workmanship and avoid delay in the progress of the work, shall have full power and authority to pave or repave, macadamize or remacadamize or contract for paving or repaving, macadamizing or remacadamizing the whole of said space, without giving any street railroad company or other occupant of the street or streets the option of having said space paved or repaved, macadamized or remacadamized by itself or otherwise, and the cost of such permanent improvement properly chargeable to such railroad company shall be assessed upon the franchise or property of said railroad company in said city and special tax levies made thereon for the purpose of collecting the same in the manner herein elsewhere provided for the assessment and levy upon other property so improved.

Proviso: uniformity of work.

Assessment on franchise or property.

Notice to companies of proposed improvements.

Sec. 143. All companies, corporations, and persons having franchises or permits to use the streets of the city for laying railway

tracks, pipes, or conduits, and for other purposes requiring the excavation of streets, sidewalks, and public alleys, shall be notified by the said board when any street is to be permanently improved and given a reasonable opportunity to lay said railways, pipes, or conduits, or do such work as they may be authorized to do under said franchises, and in case any such company, corporation, or person fail to lay said railways or pipes, or to do said work before such permanent improvements are made, they shall not be permitted to do so thereafter except upon the condition that they shall pay such reasonable proportion of the original cost of such permanent improvements as may be fixed by the board of aldermen.

Assessment for delayed work.

Sec. 144. That in order to equalize the assessments on real estate for the purposes described, as elsewhere provided in this act, the board of aldermen shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon the real estate on each side of the street upon which said work is done its pro rata share of the entire cost of all such improvements as may be made under the provisions of this act: *Provided, however*, in order to avoid obstructing lot owners in subdividing and selling their property by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit and shall file in the office of the city clerk and treasurer a plat of the subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, but not less than one hundred feet in depth, and the assessment made and the liens created by virtue of this act for street improvement shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth, and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable portion of said assessments and liens, according to its frontage; that the mayor and board of aldermen shall cause to be established a permanent grade on any such street, sidewalk, or public alley, and shall cause such street, sidewalk, or public alley to be accurately surveyed, and a map to be made of the various lots and properties abutting on such street, sidewalk, or alley, or portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivisions, if any, and the said map shall be filed with the city clerk and treasurer, to be subject to public inspection; and when the assessments and liens, as provided for in this act, shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the city clerk and treasurer or other proper clerical city officer

Estimate and apportionment of costs.

Proviso: liens on subdivided property.

Lien for ratable proportion.

Surveys and maps.

Assessments written on map.

shall write upon said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens, and the date and amount of all payments made on any of said assessments and liens: *Provided further*, that no assessment against any piece of property improved as in this act provided shall in any case exceed the amount of the special benefit to or enhancement in value of said property by reason of said improvements, nor, unless the owners of seventy-five per cent of the frontage on the street or streets in such improvement district or section shall in writing request the improvement as hereinbefore provided, exceed twenty per cent of the assessed taxable value of said property, but if the amount prorated upon such property in proportion to the frontage on the street as provided in this act shall exceed such amounts, then the city shall pay the amount of the excess out of its general funds: *Provided further*, that in case any street or part of a street laid out as a district for permanent improvement is of such unequal width as to render the plan of equalization of assessments as above set out unjust to any abutting property-owner, then and in that case the board of aldermen are authorized to divide such district into subsections and to apply the rule of equalization of assessments prescribed herein to such subsections, instead of to the entire district or section, and the board may make as many subsections as may be necessary to make a just distribution of the cost of permanent improvement made or to be made in such district: *Provided further*, that the cost of all such improvements for special benefits to property as estimated in the above manner shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon, as hereinafter provided.

Proviso: limit of assessments.

Proviso: subdivision of districts.

Proviso: bonds for improvements.

Notice of assessments.

Sec. 145. That the notice of the assessment of special benefits by the board of aldermen, as herein elsewhere provided in this act, against abutting property on any street, sidewalk, or public alley in any such improvement district or section, shall be given at least twice a week for two weeks in some daily newspaper published in the city of Charlotte, which notice shall state the time and place that such assessments are to be made and determined, and shall notify all persons interested in any particular improvement district or section or such assessment to appear and show cause, if any, why such assessment shall not be made; and in the event the owner of such lot or lots is an infant, idiot, lunatic, or incompetent, then his general guardian, if he has such, shall act for him; if he has none, it shall be the duty of the Clerk of the Superior Court of Mecklenburg County to appoint a guardian *ad litem* to act for him. That any person who shall feel aggrieved by the findings of said board, with reference to said assessment for permanent improvements, shall have the right within ten days after such finding of said board, and not after that time, to file

Objections to be filed.

his objections to such findings, and to appeal from the decision of said board to the next term of the Superior Court of Mecklenburg County, North Carolina, by serving upon said city notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings, and by filing, within the time prescribed for taking appeals, in the office of the Clerk of the Superior Court of Mecklenburg County, a written undertaking in at least the sum of two hundred dollars, with sufficient surety, to be justified before and approved by said clerk, to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the board of aldermen the ordinance laying out the specially improved districts, the action of said board in determining special benefits, the objections of the property-owner filed thereto, and all other papers material to the matter shall constitute the case on appeal and be certified by the city clerk and treasurer to the Superior Court, and shall be docketed on the civil-issue docket and stand at issue as other civil cases regularly brought in such court, with leave to either party to file such pleadings and papers as he may deem necessary; if all the issues be found in favor of the appellant on such appeal as above provided for, the lien for said assessment shall be discharged; if, however, the issues or any of them be found in favor of the city of Charlotte to any amount, then judgment shall be rendered in favor of said city for such amount, to the end that no merely technical objections shall defeat the rights of the city; and the amounts so found, together with the cost of such appeal, which cost shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed, from the date of the findings of said board of aldermen, and shall be collected by the tax collector of the city of Charlotte as elsewhere in this act provided.

Right of appeal.

Bond on appeal.

Case on appeal.

Judgment.

Sec. 146. That in lieu of notice by publication to property-owners affected by improvements to abutting real property, as elsewhere provided in this chapter, the board of aldermen, if it so determine, may give ten days personal notice to all persons affected by any permanent improvements for which a charge is to be made on real estate, to appear before said board at a certain time and place to show cause, if any, why such assessment should not be made, which notice may be served by any policeman of the city of Charlotte or any other proper officer.

Personal notice in lieu of publication.

Sec. 147. This act shall be construed to make it mandatory on the board of aldermen to require abutting property-owners in permanent improvement districts or sections to pay the cost of macadam, bitulithic, asphalt, vitrified brick, and other permanent pavements against the abutting property, as elsewhere provided in this act: *Provided*, it shall not affect the power of the board of aldermen to make such street and sidewalk improvements in

Act mandatory.

Proviso: powers as to other streets not affected.

other streets not so laid out, as it may deem proper, and at the cost of the city: *Provided further*, that nothing in this act shall be construed to make it mandatory on the board of aldermen to issue bonds to finance the construction of sidewalks in permanent improvement districts or sections, but the board may require the construction of such sidewalks and charge the entire cost of the same, including curbing the property on each side of the street, paying or bearing the cost of the sidewalks on its respective side, which cost shall be a lien on the abutting property as herein elsewhere provided, and paid immediately, or as soon thereafter as practicable, by the property-owners, and not by an issue of bonds as is elsewhere provided, if the board of aldermen so determine, and such charge or assessment shall be enforced and collected by the tax collector by the sale of the abutting property specially benefited in the same manner as real estate sold for taxes.

Proviso: issuance of bonds not mandatory.

Collection of assessments.

Notice of street improvement.

Sec. 148. After the contract has been let for any such work of improvement and the amount chargeable to the real estate to be specially benefited as is provided in the other sections of this act is, by the board of aldermen, finally determined, the board of aldermen may cause a notice to be published once a week for two weeks in some daily newspaper published in the city of Charlotte substantially in the following form:

STREET IMPROVEMENT NOTICE.

Form of notice.

Notice is hereby given that a contract has been let for (describing work and street, sidewalk, or alley), and that the improvement chargeable to the real estate to be specially benefited has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the said real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of property file with the city clerk, within the time stipulated in said notice, a written notice that they elect to pay the special assessments on their property, describing the same.

Issuance of bonds.

Sec. 149. After the expiration of the time fixed for filing notice of election to pay the special assessments as provided in the preceding section, the board of aldermen may issue improvement bonds covering all of the assessments, except such as the owners have filed notice of election to pay, as stated in the preceding section, which bonds shall be of corresponding amounts and known as "Street Improvement Bonds"; shall comprise ten equal series; each series shall consist of a like number of bonds, and shall bear interest not to exceed six per cent per annum; and shall be sold for not less than par; and shall be signed by the mayor and attested by the city clerk; shall be general, personal, and direct obligations of the city, and shall contain such recitals as may be

Street improvement bonds.
Series of bonds.
Interest.
Sale below par forbidden.
Authentication.
Obligation of bonds.

necessary to show that they are such general, personal, and direct obligations of the city, and, in addition thereto, that the payment thereof is chargeable to the property abutting on streets which have been laid out as districts or sections for the improvement of which such bonds are issued, and in case the bonds cover the cost of the improvement to be borne by street railroad companies, and other railroad companies, is chargeable also to the franchises and property of such companies; they may be sold at either public or private sale; and the interest upon said bonds shall be payable semiannually, and each installment of interest shall be represented by corresponding coupons; the respective series of the said bonds shall be payable annually, and the last series thereof shall be payable not exceeding ten years from the date of their issue; the proceeds collected by the city treasurer shall be paid to the contractor when due him, or the contract may provide that the contractor shall take bonds as payment on his contract, at their par value, the contractor to be charged with accrued interest; at the date of each tax levy after the issuance of any such bonds, until all of them are paid, when the tax roll or levy for the year is prepared, sufficient special assessments on each parcel of land covered by said bonds to pay the annual installment of the principal and interest on the amount of such special assessments then unpaid shall be included in the tax roll or levy, as a special tax on said property, and thereafter this assessment shall be collected at the same time and in the same manner as general taxes and constitute a lien on the property affected.

Sale of bonds.

Payment of interest.

Bonds payable annually.

Payments to contractors.

Special assessments.

Sec. 150. That all funds derived from assessments heretofore or hereafter levied by the mayor and board of aldermen of the city of Charlotte upon private property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the city of Charlotte, constitute a special fund, to be designated as "Street Improvement Fund," and the same, with the funds derived from the taxes heretofore or hereafter only levied or authorized to be levied for street improvement, shall be kept separate from all other funds of the city, and a separate record thereof shall be kept by the city clerk, and said funds and every part thereof shall be applied by the said mayor and board of aldermen exclusively to the grading, paving, macadamizing, or otherwise improving the streets of said city, according to the true intent and meaning hereof.

Street improvement fund.

Funds kept separate.

Specific appropriation.

CLAIMS FOR DAMAGES.

Sec. 151. No action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless within twelve months after the happening or infliction of the injury complained of the complainant, his executors or administrators, shall have given notice to the board of aldermen of said city of such injury in writing, stating in such

Notice of claims for damages.

notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of happening or infliction of such injury or in any manner interfere with its running.

Statute of limitations.

PARKS.

Charlotte park and tree commission not abolished.

Sec. 152. That nothing in this act shall be construed to abolish the "Charlotte Park and Tree Commission," who shall continue to exercise the duties of park commissioners in adopting and recommending measures for laying out and improving the public parks and squares of the city, and shall have all the powers and duties set out in chapter thirty-two of the Private Acts of one thousand nine hundred and five. The board of aldermen shall, however, have the exclusive control of all trees on the streets and full power to direct all expenditure of the funds appropriated by the board of aldermen for the improvement and maintenance of said parks and squares.

Power and duties.

Control of board of aldermen.

PUBLIC LIBRARY.

Charlotte Carnegie public library.

Sec. 153. That the building and grounds of the Charlotte Carnegie Public Library shall remain vested in the corporation of that name created by chapter sixteen, Private Laws of one thousand nine hundred and three; that this act shall not be construed to repeal any part of said chapter.

ADMINISTRATIVE DEPARTMENTS.

Creation of departments and delegation of powers.

Sec. 154. For the purpose of facilitating the management of the affairs of the city, the board of aldermen may create departments to which it may delegate any of its own administrative powers and duties to be exercised in such manner as it may from time to time deem proper, and by such committees and managers as it may prescribe: *Provided, however*, that all such committees shall be named by the mayor from the board of aldermen, and such managers shall be appointed by the mayor with the consent of the board. All committees and managers shall be under the general direction and control of the mayor, who shall have power to veto any action on their part, subject to be overruled by a two-thirds vote of the whole board present. Reports shall be made weekly by such committees and daily by such managers to the mayor, who shall submit summaries thereof to the board of aldermen at its regular meetings. In case managers are appointed to have charge of the departments created by the board of aldermen, each shall give bond in an amount to be fixed by the board of aldermen. Such bond shall be approved by the mayor and city attorney, and the cost thereof shall be paid out of the city treasury. The salary of the managers of any such department shall be fixed by

Proviso: committees and managers.

Veto power.

Reports.

Managers to give bonds.

Salaries.

the board of aldermen, but no such manager shall receive more than twenty-five hundred dollars annually, and the total amount appropriated for such purpose shall not exceed five thousand dollars per annum.

Secretaries to mayor.

Sec. 155. The board of aldermen shall have power to allow the mayor a secretary or secretaries to assist him in the performance of the duties of his office: *Provided, however*, that the cost thereof shall not exceed fifteen hundred dollars per annum.

Proviso: limit of cost.

PUBLIC SCHOOLS.

Public schools to be maintained.

Sec. 156. There shall be maintained in the city of Charlotte a system of public schools to be kept open not less than nine months in each year, without charge, for the education of the children of said city within the ages of six and twenty-one years.

School commissioners.

Sec. 157. That said system of public schools shall be under the control of a board of school commissioners, composed of eleven members, being one from each ward, who shall be elected biennially at the general election held for mayor and other city officers, and shall hold office for two years and until their successors are duly elected and qualified, and shall serve without compensation. Any vacancy in said board of school commissioners shall be filled by an election held by said board, and the person so elected shall hold office for the unexpired term.

Election and term.

Vacancies.

School commissioners incorporated.

Sec. 158. Said board of school commissioners shall be a body corporate and politic under the name of "The Board of School Commissioners of the City of Charlotte," with all the rights and powers of the school committees of the respective townships in addition to the powers in this act granted.

Mayor chairman ex officio.

Quorum.

Sec. 159. That the mayor of the city of Charlotte shall be *ex officio* chairman of said board of school commissioners; in all meetings of said board a majority of the membership thereof shall constitute a quorum for the transaction of business; in such meetings the mayor shall have a vote in case of a tie and shall have the power to veto any resolution or other measure adopted by the said board: *Provided, however*, that such resolution or other measure may be passed over his veto by a two-thirds vote of the whole board.

Vote and veto power.

Proviso: vote to overrule veto.

Management and direction of schools.

Powers.

Sec. 160. The said board of school commissioners shall manage and direct the public schools of the city of Charlotte, and shall have power to appoint examiners, employ teachers and fix their salaries, prescribe courses of study, have charge and control of the public school buildings of the city, and direct the expenditure of the ordinary school revenues of the city of Charlotte for school purposes. It shall be lawful for said board of school commissioners, in their discretion, to receive into the public schools of the city of Charlotte upon such terms as they may think reasonable any children of school age residing beyond the limits of said city.

Nonresident pupils.

School library.

Sec. 161. That said board of school commissioners shall have the power and authority to establish and maintain a library in connection with each school building, which shall be free for the use of the teachers and students of the graded schools of said city; and shall have the power to acquire by donation, purchase, or otherwise books, charts, maps, periodicals and other publications, and property of every kind suitable for such library, and shall arrange for separate books and publications for the white and colored races and provide separate rooms for the use of each of said races; and the said board of school commissioners shall have the power to prescribe such rules and regulations for the use of such library as it may deem proper, and to do all acts and things necessary for the successful maintenance and operation of said library. The expenses of equipping and maintaining the same shall be paid out of the school revenues of said city of Charlotte.

Rules and regulations for use of library.

Payment from school revenue.

High schools.

Sec. 162. That the said board of school commissioners shall have the power and authority, for the higher education of the children of the city of Charlotte between the ages of twelve and twenty-one years, to establish and maintain one or more high schools in the city of Charlotte; and may employ a principal and teachers, fix their salaries, and prescribe courses of study: *Provided*, that said high school shall be provided and maintained out of the ordinary school revenues of the city of Charlotte. It shall be lawful for said board of school commissioners, in their discretion, to receive into said high school, upon such terms as they think reasonable, any children between the ages herein mentioned, residing beyond the limits of said city.

Proviso: fund for high school.

Nonresident pupils.

Manual training and domestic science schools.

Sec. 162 (*a*). That the said board of school commissioners shall have the power and authority to maintain out of the ordinary school revenues of the city manual training schools and schools for teaching domestic science, and prescribe such rules and regulations therefor as they may deem proper.

Fund for sites and buildings.

Sec. 163. In case there shall not be sufficient funds arising from the ordinary school revenues of the city of Charlotte to purchase a site or sites, or provide buildings deemed necessary by the board of school commissioners for either high schools or other schools in said city, the board of aldermen shall have the power to appropriate such funds out of the city treasury as it may deem proper for said purposes, or in its discretion may purchase a site for said buildings out of funds belonging to the city.

Repair and improvement of school buildings.

Sec. 164. That the board of aldermen shall have charge of all permanent repairs and improvements upon any of the buildings and premises in use for school purposes within the city of Charlotte, and shall have power to appropriate funds for such purposes out of the city treasury.

Treasurer of school fund.

Sec. 165. All funds arising from the school revenues of the city of Charlotte shall be paid to the clerk and treasurer of the city, and disbursed by him under proper orders, for school purposes;

said city clerk and treasurer shall be the clerk and treasurer of said board of school commissioners, and shall perform the duties prescribed for him by said board of school commissioners, and shall receive such compensation as shall be prescribed by said board. Compensation.

Sec. 166. That said board of school commissioners shall cause to be made annually, on or before the first day of December, an accurate school census of all children of school age within the limits of said city of Charlotte, and upon such census so taken in each year shall be based the apportionment to the city of Charlotte of its proper share of the county school fund. School census. Apportionment from county school fund.

Sec. 167. That the board of aldermen of the city of Charlotte shall levy an annual tax for the support and maintenance of said system of public schools in the city of Charlotte, which annual tax shall not exceed twenty cents on the hundred dollars valuation of property and sixty cents on the poll. School tax. Limit of rate.

Sec. 168. That the county board of education of Mecklenburg County, in apportioning the school fund of said county, shall ascertain and determine the amount of said funds to be used each year for the public graded schools of the city of Charlotte by dividing the whole amount of school funds received by the county treasurer of Mecklenburg County, less his commissions or the part of his salary which is to be paid out of said funds, and less the amount reserved by said county board of education for the office expenses and salary of the county superintendent of education and for the per diem and mileage of the said county board of education, by the total number of children of school age in said county, as determined by the last census preceding such apportionment, and by multiplying the quotient so obtained by the total number of children of school age in the city of Charlotte, as determined by the last school census preceding such apportionment, and the amount so ascertained and determined is to be paid by the treasurer of said Mecklenburg County to the city clerk and treasurer for school purposes in the city of Charlotte, or such other official as may be legally designated to receive the same, to be used for said public schools of said city, under the control and direction of the board of school commissioners of said city of Charlotte: *Provided*, that the amount so ascertained and determined for said graded school shall bear its proportionate part of the loss sustained on account of any taxes not collected by reason of errors, releases from taxation, or otherwise. Apportionment of county school fund. Payment of apportionment. Proviso: apportionment of loss.

REGULATION OF PUBLIC UTILITIES AND QUASI-PUBLIC UTILITY CORPORATIONS.

Sec. 169. That the said city of Charlotte shall have the power, to be exercised by and through the board of aldermen, to regulate and supervise all public utility corporations or *quasi*-public utility Regulation of purveyors of public utilities.

corporations which operate or do business in the city of Charlotte, as to all matters exclusively in the city of Charlotte, to the end that all the citizens of Charlotte shall receive from the said public or *quasi*-public utility corporations equal treatment; and also to the end that said citizens shall have good service and just and reasonable rates from any and all said public or *quasi*-public utility corporations. For the purposes mentioned herein the term "public utility or *quasi*-public utility corporation" shall be construed to embrace all corporations usually known as public-service or *quasi*-public-service corporations, and shall include persons and firms.

Definition of terms.

Rules and regulations.

Sec. 170. The said board of aldermen of the city of Charlotte shall have power, after ten days notice and a hearing, to make and establish just and reasonable rules and regulations governing the public utility or *quasi*-public utility corporations which operate or do business in the city of Charlotte for the purpose of providing and enforcing such equal treatment and good service.

Time for filing exceptions.

Sec. 171. Such rules and regulations shall not become effective for thirty days after the same are made and notice given; within said thirty days, upon exception filed to such order by any public utility or *quasi*-public utility corporation or other interested persons, an appeal may be had to the Corporation Commission of the State from any action, judgment, or other decision of the said board of aldermen of the city of Charlotte. On such appeal the Corporation Commission shall hear the matter on the same evidence as that heard by the board of aldermen, which evidence shall be certified to the Corporation Commission under the hand of the mayor and seal of the city, attested by the city clerk or other proper officer, and said evidence, together with the other papers in the case, shall constitute the record before the Corporation Commission. In all other respects the said cause shall be governed by all the laws and rules regulating matters heard by the Corporation Commission.

Appeal to corporation commission.

Hearing on appeal.

Regulation effective.

Sec. 172. In case no exception is filed to the rule or regulation within thirty days, as above provided, or in case said rule or regulation shall be confirmed by the Corporation Commission on appeal, the person or corporation violating such rule or regulation shall be subject to a penalty of fifty dollars for each offense.

Penalty for violation.

Power to fix rates.

Sec. 173. The said board of aldermen of the city of Charlotte, upon complaint of any person, firm, or corporation residing or doing business in said city that any public utility or *quasi*-public utility corporation is charging an unjust or unreasonable rate, or of its own motion, after ten days notice to such corporation and a hearing, shall have the power to declare what shall be just and reasonable rates in the matter under investigation, and shall make an order accordingly, such order not to become effective for thirty days after the same is made and notice given; if within said thirty days exception is filed to such order by any corporation or other

Time for filing exceptions.

person affected thereby, and an appeal taken to the Corporation Commission of North Carolina, then the whole matter under investigation shall be heard *de novo* by such Commission, and said Corporation Commission, after hearing the same, shall have power to fix just and reasonable rates and such rules as they shall deem necessary to carry such rates and rules into effect. Appeal to corporation commission. Rates fixed by corporation commission.

Sec. 174. In case no exception is filed to the order or rule of the said board of aldermen within the thirty days as above provided, then the said board of aldermen is authorized and it shall be its duty to make such ordinances as may be necessary to carry the same into effect. Rates effective if appeal not taken.

Sec. 175. In addition to the power herein conferred, the Corporation Commission shall have full power and authority to fix and establish any and all rates which any public-service or *quasi*-public-service corporation other than railroads using steam as a motive power shall charge or exact from any person, firm, or corporation in the city of Charlotte for the service rendered or commodity furnished. Power of corporation commission.

Sec. 176. Upon application being made, the Corporation Commission shall proceed to hear, pass on, and determine, in the manner prescribed by law, a just or reasonable rate or charge for the service or other commodity rendered or furnished; said hearing before the Corporation Commission shall be governed by the general law as to said Commission relating to the fixing of rates and rules and orders of the Commission as to the enforcement thereof by said Commission. The Corporation Commission shall have the same power and authority in hearing and passing on any matter or case under this act, enforcing or fixing of rates, supervising and regulating said corporation or otherwise under this act as they now have under the act establishing said Corporation Commission, in addition to such power and authority as they now have under the general law. The failure or refusal to conform to or obey any decision, rule, regulation, or order made in such cases by the Corporation Commission shall subject said public utility corporation or *quasi*-public utility corporation refusing or failing to comply herewith to the penalty provided for railroad companies in chapter twenty (20), sections one thousand and eighty-seven, one thousand and eighty-eight, one thousand and eighty-nine, one thousand and ninety, one thousand and ninety-one, one thousand and ninety-two, one thousand and ninety-three of the Revisal of North Carolina for one thousand nine hundred and five. Application to corporation commission. Hearing. Powers of commission. Penalty for failure to comply with order.

Sec. 177. Nothing contained in this section shall be construed to deprive the Corporation Commission of the authority and power which it now has under the laws of North Carolina to supervise and regulate and fix the rates for public utility corporations or *quasi*-public utility corporations operating or doing business in the city of Charlotte. Construction of section.

CITY TAX COMMISSIONER.

Appointment of tax commission.

Duties.

Reports of inequalities and undervaluations.

Reports of delinquents.

Supervision of tax collector.

Other duties.

Compensation.

Proviso: cooperation with county commissioners.

Sec. 178. The mayor, by and with the consent of the board of aldermen, at its first meeting in May in each year, or as soon thereafter as practicable, may appoint a city tax commissioner, who shall devote his entire time and attention to investigating inequalities and undervaluations in the assessment of real and personal property within the corporate limits of said city, and all delinquents who have failed to properly list their taxables; he shall report to the county list takers and assessors for Charlotte Township all inequalities or undervaluations in the assessment of real and personal property, and all delinquent taxables he may have discovered within said city. He shall urge upon said list takers and assessors the proper assessment and return of all property, real and personal, in said city, and shall report to the board of county commissioners of Mecklenburg County, on or before the expiration of the time fixed by the law for revising and equalizing the assessment on real and personal property, all such inequalities and undervaluations as he shall have discovered; and shall likewise report to said board, on or before the expiration of the time fixed by law for placing delinquents upon the tax books, all delinquent taxables in said city, and shall urge upon the board the proper assessment and valuation and listing of all real and personal property therein. He shall also examine the books of the tax collector of said city and report to the board of aldermen all errors and inaccuracies and discrepancies that may appear therein, and all uncollected and unlisted taxes for such year not included in the insolvent list allowed said tax collector by the board of aldermen. He shall discharge such other and kindred duties as may be required of him by the mayor and board of the city. Said commissioner shall receive such compensation for his services as the board of aldermen shall prescribe: *Provided*, that in case an agreement shall be made between the board of aldermen and the board of commissioners of Mecklenburg County, such proportions shall be paid by the city and county as shall be agreed upon.

CIVIL SERVICE FOR FIREMEN AND POLICEMEN.

Civil service system.

Sec. 179. The board of aldermen is hereby required to pass ordinances providing for a system of civil service applicable to persons exercising the powers of policemen or firemen in the city (not including, however, the head or chief of police and fire departments, or officers exercising such powers) whereby the said persons shall be chosen and retained in office or promoted according to merit and faithful and diligent discharge of duty.

MISCELLANEOUS.

Questions subject to general law.

Sec. 180. That all questions arising in the administration of the government of said city and not provided for in this act shall be governed by the laws of the State in such cases made and provided.

Pleading of ordinances.

Sec. 181. That in all judicial proceedings it shall be sufficient to plead any ordinance of said city by caption, or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published in book form by authority of the board of aldermen shall be admitted in evidence in all courts and shall have the same force and effect as would the original ordinance.

Ordinances admitted in evidence.

Civil process served by police.

Sec. 182. It shall be lawful for the policemen to serve all civil process or notices that may be directed to them by the mayor or by any court under the same regulations and penalties as are or may be prescribed by law in the case of constables.

Payment of debts by city.

Sec. 183. That no levy shall be made on any property belonging to the city, nor shall any levy be made upon the property of any individual for any debt due by the city, but all such debts shall be paid only by taxation upon subjects properly taxable by such corporation.

Failure of officer to settle with successor misdemeanor.

Sec. 184. That any officer of the city of Charlotte who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals, and effects of such city shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Punishment.

Tax lists subject to correction.

Sec. 185. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax and subject to be corrected or altered by them, and shall be open for inspection by the public, and the authorities imposing the tax, or their successors in office, and any tax collector who shall fail or refuse to allow an inspection of his list upon demand shall be deemed guilty of a misdemeanor.

Lists open for inspection.

Failure to allow inspection misdemeanor.

Sale of real estate.

Sec. 186. That the board of aldermen shall have power by vote of two-thirds of the aldermen of the whole board to sell any real property belonging to the city, and, when so authorized, a deed for said real estate may be executed by the mayor and attested by the city clerk and treasurer, or by the members of the said board, with the corporate seal of the city attached: *Provided, however*, that in case of sales of lots in the cemetery it shall not be necessary to have the consent of the board of aldermen in each case, but the deeds shall be executed in the same manner as is provided above for the execution of other deeds and upon a consideration to be fixed by the board of aldermen.

Execution of deed.

Proviso: sale of cemetery lots.

Act to be submitted to voters.

Sec. 187. That this charter and the provisions of this act shall be submitted to a vote of the qualified voters of the city of Charlotte on the eighteenth day of April, one thousand nine hundred and thirteen, under the rules and regulations now prescribed by law for the election of the mayor and members of the board of aldermen of said city. That said board of aldermen shall cause

Law governing election.

Notice of election.

a notice of said election and the purpose of the same to be published in some newspaper of said city for thirty (30) days before said election, and the Clerk of the Superior Court of Mecklenburg County shall cause to be prepared and distributed at the various polling places in said city a sufficient number of printed ballots favoring the provisions of this act and a like number against the same. The said board of aldermen shall cause to be prepared and delivered at each polling place in said city two (2) ballot boxes, each being plainly marked, indicating, one of them, that the ballots cast and to be deposited therein are in favor of the provisions of this act, and the other box indicating that the ballots to be cast and deposited therein are in favor of the provisions of another act, passed at the present session of the General Assembly, entitled "An act to provide a commission form of government for the city of Charlotte." All qualified voters wishing to vote in favor of the provisions of this act, and that the same shall be and become the charter and organic law of the city of Charlotte, shall vote at said election a written or printed ticket, with the words thereon, "For Aldermanic Form of Government," and those wishing to vote in favor of the provisions of said act entitled as above and hereinbefore referred to as "An act to provide a commission form of government for the city of Charlotte," and that the same shall be and become the charter and organic law of the city of Charlotte, shall vote a written or printed ticket, with the words thereon, "For Commission Form of Government." If a majority of such qualified voters shall vote "For Aldermanic Form of Government," then it shall be deemed and held that this charter and the provisions of this act are favored and approved by a majority of the qualified voters of the city of Charlotte, and this act and the provisions thereof shall be and become in full force and effect, and shall be the charter and organic law of and for said city of Charlotte and inhabitants thereof. If, however, a majority of such qualified voters shall vote "For Commission Form of Government," then it shall be deemed and held that said act, entitled "An act to provide a commission form of government for the city of Charlotte," and the provisions thereof, are favored and approved by a majority of the qualified voters of the city of Charlotte, and the said act and the provisions thereof shall be and become in full force and effect, and shall be the charter and organic law of and for said city of Charlotte and inhabitants thereof. In either case, however, the act and provisions thereof so approved and favored by a majority of said qualified voters is to be in full force and effect, not from the date of said election, but from and after the sixth day of May, one thousand nine hundred and thirteen. If, however, a majority of the qualified voters of the city of Charlotte in said election so to be held as herein provided, on the eighteenth day of April, one thousand nine hun-

Preparation and distribution of ballots.

Ballot boxes.

Tickets.

Effect of election.

When acts effective.

Effect of negative vote.

dred and thirteen, shall not vote ballots containing the words written or printed thereon "For Commission Form of Government," and if a majority of the qualified voters of the said city of Charlotte at said election shall not vote ballots containing the words written or printed thereon "For Aldermanic Form of Government," then the present charter of the city of Charlotte, being chapter three hundred and forty-two of the Private Laws of North Carolina, session one thousand nine hundred and seven, and all acts amendatory thereof, shall be and remain the charter and organic law of and for said city of Charlotte and the inhabitants thereof.

Act made charter by majority of qualified vote.

Sec. 188. That in the event a majority of the qualified voters of the city of Charlotte shall, at said election so to be held on the eighteenth day of April, one thousand nine hundred and thirteen, as herein provided, cast their ballots with the words written or printed thereon "For Aldermanic Form of Government," then on and after the sixth day of May, one thousand nine hundred and thirteen, this act and all the provisions thereof shall thenceforth be the charter and organic law of the city of Charlotte, and all laws now constituting the charter of said city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers (except acts relating to the issue of bonds) and all laws of a public and general nature inconsistent with or not coming within the purview of this act, are hereby repealed, so far only, however, as they may affect said city: *Provided, however*, that such repeal shall not annul any ordinances, by-laws, or rules of the said municipal corporation, unless the same be inconsistent with this act. Nor shall such repeal affect any act done, or any right accruing or accrued or established, or any suits had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty, or obligation possessed by or due to the corporation by its present name, from any corporation or person whatever, be lost, affected, or impaired, but the same shall remain in full force and be possessed, enforced, and enjoyed in the name and for the use of the corporation by the name of the City of Charlotte.

Effect on existing laws.

Proviso: existing ordinances.

Vested rights and pending legislation.

Offenses committed before approval of act.

Sec. 189. That no offense committed and no penalties of forfeitures incurred under any of the acts or ordinances hereby repealed, or before the time when such repeal shall take effect, shall be affected by the repeal, except that whenever any punishment, penalty, or forfeiture shall have been mitigated by the provisions of the act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided*, that no suit or prosecution pending at the time of repeal for any offense committed or for any penalty or forfeiture incurred under any of the acts or ordinances hereby repealed shall be affected by such repeal: *Provided further*, that no law heretofore re-

Proviso: suits pending.

Proviso: laws not revived.

pealed shall be revived by the repeal of any act repealing such law: and *Provided lastly*, that all persons who, at the time when the said repeal shall take effect, shall hold any office under any of the acts hereby repealed shall continue to hold the same according to the tenure thereof, except those offices which have been abolished and those to which a different provision shall have been made by this act.

Proviso: existing officers.

New registration.

Sec. 190. For the election hereinbefore provided for, to be held on the eighteenth day of April, one thousand nine hundred and thirteen, to which this act and the provisions thereof shall be submitted to a vote of the qualified voters of the city of Charlotte as hereinbefore more fully provided, the board of aldermen are hereby required and directed to order a new registration of the qualified voters of said city. The registration books before said election shall be kept open for thirty days preceding the fifteenth day of April, one thousand nine hundred and thirteen, after which date no one shall be allowed to register for said election.

Registration.

Election officers.

Sec. 191. The clerk of the Superior Court is hereby directed and empowered to appoint the judges and registrars for the said election and for said registration; and in all respects, except as herein provided otherwise, the said election and the registration therefor shall be held under the rules and regulations and according to the provisions prescribed and now provided by law for holding municipal elections in the said city of Charlotte.

Law governing elections.

Returns of election.

Sec. 192. The judges and registrars of the several voting precincts of said city shall by noon of the day following the election certify to the mayor of the said city of Charlotte and to the Clerk of the Superior Court of Mecklenburg County the number of the votes cast "For Aldermanic Form of Government," also the number of votes cast "For Commission Form of Government," and also the number of registered voters in their respective precincts; and the results of said election shall thereupon be declared by the said mayor of said city; and the said clerk of Superior Court, as soon as they can reasonably ascertain the result of said election, shall tabulate the votes cast at said election and the results thereof.

Declaration and tabulation of result.

When act effective.

Sec. 193. That this act shall be in force and effect from and after the sixth day of May, one thousand nine hundred and thirteen: *Provided*, the same is ratified and approved by a majority of the qualified voters of the city of Charlotte as provided in this act.

Proviso: ratification by voters.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 360.

AN ACT TO PROVIDE A COMMISSION FORM OF GOVERNMENT FOR THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. That the city of Charlotte shall continue, as heretofore, a municipal corporation and body politic. Incorporation.

Sec. 2. That the corporate powers of said city shall be vested in a board of councilmen and such other officers and agents as are hereinafter provided for or the council shall determine. Vesting of corporate rights and powers.

Sec. 3. That the executive, administrative, legislative, and judicial powers, authorities, and duties in the said city are distributed into and among the following departments: Distribution of powers.

(*a*) Accounts and finances;

(*b*) Public safety;

(*c*) Public works.

COUNCIL.

Sec. 4. A board of councilmen, to consist of three members, one of whom shall be mayor, all of whom shall be elected by a vote of the people as hereinafter provided, is hereby created, who shall devote their entire time and services exclusively to the said city. Councilmen. Mayor. Exclusive employment.

Sec. 5. The mayor shall be the chief executive officer of the city and shall have general supervision over the departments thereof, and be its chief representative, and shall preside at all meetings of the council; he shall sign all contracts on behalf of the city, unless otherwise provided by law, and shall have charge of preparing and publishing all statements required by law or resolutions of the council. Mayor chief executive and representative. Execution of contracts. Statements.

DEPARTMENT OF ACCOUNTS AND FINANCES.

Sec. 6. The councilman of accounts and finances (who shall also be mayor) shall be the purchasing agent for said city. All bills for purchases shall be submitted and approved by the council before warrants are issued for payment; said warrants shall then be signed by said mayor and countersigned by some other person to be designated by said council; he shall collect all taxes, water rents, and other dues and obligations accruing to said city; he shall issue all licenses or permits, and, in the absence or inability of any councilman, he shall exercise temporary supervision over the department assigned to said councilman, subject, however, to the power of the council to substitute some one else to temporarily perform said duties; he shall have control of all of the employees of his department and of all officers and employees not by law or resolution assigned to some other department; he shall have charge and supervision of all accounts and records; he shall regularly, each month, inspect or cause to be inspected all records and Purchasing agent. Approval of bills. Warrants for payment. Collection of taxes and other dues. Licenses and permits. Temporary supervision of other departments. Employees and officers. Accounts and records. Reports.

accounts kept in any of the departments of said city and cause proper reports to be made, and shall audit or cause to be audited quarterly all accounts of every officer or employee who receives or disburses funds, and shall cause to be published in pamphlet form a statement each month for free distribution to the public, showing the financial condition of the city, its resources and liabilities, and a true and accurate copy of the minutes of said council; he shall procure from all persons or corporations operating public utilities in the city, and cause to be placed on file, such reports as by law or resolution are required to be made by said public utilities to the city or any of its officers; he shall collect all license fees, franchise taxes, rentals, and other moneys which may become due the city; he shall report the failure of any person, firm, or corporation to pay money due the city; he shall, unless otherwise provided by the council, cause to be examined the records and accounts of all the public utilities in said city whenever the same is required to submit its accounts to the city for examination, and shall report any refusal to the council; the assessor, auditor, city clerk, city attorney, and their respective offices or departments, and all employees therein, shall be under the direction and supervision of said councilman.

Quarterly audits.

Monthly statements.

Reports of public utilities.

Collections.

Reports of failure of duty. Examinations of purveyors of public utilities.

Officers and departments.

DEPARTMENT OF PUBLIC WORKS.

Councilman of public works. Construction and care of streets.

Erection of buildings and improvements.

Estimates.

Acceptance of contract work.

Control of grounds and structures.

Enforcement of laws.

Supervision of public utilities.

Franchises and contracts.

Use of streets.

Reports of failure of proper service.

Water supply and waterworks.

Sec. 7. The councilman of public works shall have charge over all public works not herein given some other department; the construction, cleansing, and repairing of streets and public places; erection of buildings for the city, making of all improvements, paving, curbing, bridges, streets, viaducts, and any repairs thereof; he shall approve all estimates of the engineer and recommend to the council acceptance of work done or improvements made, when completed according to contract, and perform such other duties as are required by law or resolution of the council; he shall have control of all public grounds, bridges, streets, viaducts, subways, and buildings not assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and ordinances relating to streets, public squares, cemeteries, placing of billboards and street fountains and receptacles; he shall have supervision over public utilities not otherwise assigned to some other department, and all persons or corporations rendering service in the city under any franchise or contract not otherwise assigned to some department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed under or over the streets, and shall report to the council any failure to render proper service under a franchise, or any failure to observe the requirements or conditions thereof; he shall have charge of the water supply, watershed, pumping station, pipe lines, filtering apparatus, and all things connected with or incident to the proper supply of water; he shall secure

all rights of way and easements necessary for said water supply; he shall have control of the buildings, grounds, and apparatus incident to furnishing water for the city; the department of engineer, streets, parks, cemeteries, buildings, and water shall be under the supervision and control of said councilman, and it shall be his duty to keep in good condition, subject to the control of the council, all of said public property; he shall perform all other services ordered by the council not herein expressly conferred on some other department.

Departments and officers.

DEPARTMENT OF PUBLIC SAFETY.

Sec. 8. The councilman of public safety shall have charge of the police department and recorder's court, and shall have power to temporarily supplant the chief of police, and shall at all times have power to give directions to the officers and employees of said department which shall be binding upon them; he shall have charge of the police station, the city courtroom, property and apparatus connected therewith; he shall have supervision and control of the fire department and all officers and employees, and shall control all fire stations and property connected therewith, including the fire-alarm system, and shall have power to temporarily suspend the chief of the fire department, and shall at all times be in authority to give orders to said department, which orders shall be binding upon the officers and employees thereof; he shall have charge of the electrical, plumbing, and building inspectors, and the employees connected therewith, and all property used therein; he shall have charge of the employees in his department and is charged with the duty of enforcing all ordinances and resolutions and laws relative to traffic on public streets, across railway lines, through cemeteries, parks, and other public places; he shall have supervision and control of the laws, ordinances, and orders relating to public health and sanitation and all health officers connected with and under his department; and it shall be the duty of the commissioners to enact rules and regulations protecting and preserving the public health; he shall have charge of all quarantine regulations, keeping clean the streets and public places, regulating conditions on private property which are a menace to health or public safety; he shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him and generally to do all things subject to the council that may be necessary for the promotion of health and the suppression of disease; he shall have charge and control of the sewer system and all officers and employees connected with the department of lights and sewerage; he shall have control over the lighting system, management and direction of lighting the streets, public places and grounds, and buildings; it shall be his duty to see that all persons or corporations charged with the duty of supplying lights, water for public

Councilman of public safety.

Police department and recorder's court.

Directions binding.

Police station and courtroom.

Fire department.

Orders binding.

Electrical, plumbing and building inspectors.

Enforcement of traffic regulations.

Public health and sanitation.

Quarantine regulations.

Entry on premises.

Sewer system.

Light system.

Enforcement of service.

Direction of employees.

necessities, perform the obligations imposed upon them by law; he shall have the direction of all employees of the city connected with or under his department, and shall perform all other services assigned to him by the council not herein expressly conferred upon some other department.

Recommendations of purchases.

Sec. 9. It shall be the duty of each councilman to recommend to the purchasing agent the purchase of goods, and the same shall be submitted to the council for its orders with respect thereto.

Records of motions and votes.

Sec. 10. That all motions in said council shall be made in writing and a permanent record thereof shall be kept; that all votes upon any motion, ordinance, or resolution in said council shall be by "aye" and "nay," and a record thereof shall be kept.

Reports of public-service companies.

Inspection of books and papers.

Sec. 11. The council shall have power to require all public servants, corporations, or persons doing business of a public service in said city to make reports, and shall have a right to inspect such books and papers as the State Corporation Commission has the right to inspect, under the laws now enacted or which may be hereafter enacted, with reference to public-service corporations or persons doing business in said city.

Enumeration of powers of council.

Sec. 12. The council shall have all legislative powers conferred upon the city or its officers; it shall make all orders for doing work, elect or appoint all officers or agents; it shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls, and claims, and order payment thereof; it shall make all assessments for the costs of such improvement, sewers, sidewalks, and other improvements or repairs which may be especially assessed; it shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the councilmen and read and voted upon at two several regular meetings.

Actions subject to review.

Reports.

Sec. 13. All heads of departments, agents, and employees are agents of the council only, and all of their acts shall be subject to review and the approval or revocation of the council; every head of department, superintendent, agent, or employee shall, upon request of council, report in writing respecting the business of his department or employment and all matters connected therewith.

City clerk.

Suspension or discharge of subordinate.

Proviso: right of appeal.

The council shall elect and have authority over the city clerk, who shall be clerk of the council; that for any reason, satisfactory to himself, a councilman is hereby empowered to suspend or discharge any subordinate officer or employee in his department: *Provided*, that any officer or employee so discharged shall have a right, at any time within three days from notice of such discharge, to appeal to the council, upon giving written notice thereof, who shall hear said appeal at the first regular meeting thereafter; that either side may have compulsory attendance of witnesses upon subpœna authenticated by the city clerk and served by a police officer of the city. If the ruling of the council-

Reinstatement of officer.

man be reversed, said officer or employee shall at once be reinstated in his office or employment: *Provided further*, that no party so suspended or discharged shall have a claim against the city for the time lost or for other causes, by reason of such ruling by said councilman.

Proviso: claims for loss of time or other causes.

Sec. 14. The council shall have charge of all matters pertaining to public health, and shall perform all duties belonging thereto.

Public health.

HEALTH AND SANITATION.

Sec. 15. The council are hereby given, within the city limits and a mile thereof, health, police, and fire jurisdiction, and all the power and authority that is now or may hereafter be given by law to the county superintendent of health or county physician, and such other powers and authority as will best preserve the health of the citizens. The council shall make rules and regulations for the preservation of the health of the inhabitants of the city. Said council may establish and maintain a hospital or hospitals, pesthouse, slaughter-house, rendering plants, septic tanks, incinerators, and crematories in said city or within three miles thereof; it may stop, detain, examine, or keep in a pesthouse or house of detention persons having or suspected of having any infectious, contagious, or communicable disease; may quarantine the city or any part thereof; may cause any person in the city limits to be vaccinated; may, without incurring liability, remove, fumigate, or destroy furniture, clothing, or other property which may be found infected with disease, and may do all proper and reasonable things to prevent or stamp out contagious or infectious diseases. All expenses incurred by the city in disinfecting or caring for any person may be recovered from said person, or in caring for property, when expense is incurred in caring for same, shall become a lien on said property; that any person who shall attempt, by force or threat of violence, to interfere with any act done under the provisions of this section shall be guilty of a misdemeanor.

Health, police, and fire jurisdiction. Power and authority.

Rules and regulations.

Curative and sanitary institutions.

Detention of infected persons.

Quarantine powers.

Vaccination.

Destruction of infected property.

Recovery of expenses.

Interference with exercise of power a misdemeanor.

MEETINGS.

Sec. 16. Regular meetings of the council shall be held on the first and third Tuesdays of each month at ten o'clock a. m. in the council chamber of the city hall, and at such other times as the council may determine or the mayor shall convene the same, upon notice to each councilman; that all meetings shall be open to the public.

Regular meetings.

Meetings open to public.

PUBLIC SCHOOLS.

Sec. 17. That the council shall annually, at the time other taxes are levied, levy a tax for school purposes in such an amount on the hundred dollars of property assessed for taxation in said city and upon each poll as may be necessary, which amount shall be collected and deposited with the city treasurer and kept exclusively for school purposes.

Levy of school tax.

PUBLIC LIBRARIES.

Library fund.

Sec. 18. Public libraries of the city shall be conducted, maintained, and supported as the council may determine, and for this purpose they shall have authority to levy, tax, and appropriate funds therefor.

Specific grant of powers.

Sec. 19. The board of councilmen of the city of Charlotte shall, in addition to the other powers herein given them, have full power by ordinance:

Forfeiture and termination of franchises.

(*a*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, telegraph, gas, power, or other public-service purposes, whenever the conditions upon which such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises has been lost, surrendered, or forfeited.

Taxing power.

(*b*) To assess, levy, and collect taxes.

Licenses.

(*c*) To license, tax, and regulate trades, occupations, and professions.

Powers as to streets.

(*d*) To open new streets, change, widen, extend, and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and parks and other public property belonging to the city as it may deem best for the public welfare of the citizens of said city.

Parks.

(*e*) To lay out, establish, and regulate parks within or without corporate limits of the city for the use of the inhabitants of the same.

Condemnation of land for buildings.

(*f*) To condemn any land that may be required for the purpose of erecting any building or buildings for city hall, market houses, fire companies, graded and public schools, and for any other public buildings, whether like those enumerated above or not: *Provided*, that the procedure in such condemnation proceedings shall be the same as is herein provided for the condemnation of lands for streets.

Proviso: procedure for condemnation.

Public buildings.

(*g*) To erect, repair, and alter all public buildings.

Acceptance of donations.

(*h*) To accept any money or property for the purpose of any public or corporate use.

Animals and fowls going at large.

(*i*) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowl of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said board, and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Plumbers and plumbing.

(*j*) To regulate and control plumbers and plumbing work and to enforce efficiency in the same.

(*k*) To regulate, control, and prohibit the keeping and management of houses or any building for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas. Explosive and dangerous materials. Oil and gas.

(*l*) To license, tax, regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosive or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity, or otherwise. Use of explosives and fireworks. Noise ordinances.

(*m*) To direct, control, and prohibit the laying of railroad tracks, turnouts, and switches in the streets, avenues, and alleys of the city, unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts, and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues, and alleys in said city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys and ditches, sewers and culverts, where the board of commissioners shall deem it necessary, and to direct the use and regulate the speed of locomotive engines, trains, and cars within said city. Railroad tracks. Speed regulations.

(*n*) To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the speed, running, and operation of the same so as to prevent injury or inconvenience to the public, and from time to time prescribe reasonable fares and transfers for the carriage of passengers. Regulation of street cars. Fares and transfers.

(*o*) To make such rules and regulations in relation to butchers as they may deem necessary and proper, to establish and erect market houses, and designate, control, and regulate market places and privileges. Butchers and market regulations.

(*p*) To prohibit and punish the abuse of animals. Abuse of animals.

(*q*) To establish and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages, and births. Cemeteries and burial regulations.

(*r*) To prohibit prize-fighting, cock- and dog-fighting. Prize-, cock- and dog-fighting.

(*s*) To license, tax, regulate, restrict, and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen, and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances. License for shows and exhibitions.

(*t*) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments Pension fund for policemen and firemen.

who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund and provide for its permanence and increase, and to prescribe and regulate the conditions under which and the extent to which the same shall be used for the purpose of such relief.

Condemnation of land for streets and other uses.

(*u*) To pass ordinances for the condemnation of property for the purpose of widening, altering, changing, or extending any of the streets of the city and for opening new streets, and for the construction and maintenance of drains, sewers, and combination drains and sewers and for any other public purpose provided for in this act.

Definition and abatement of nuisances.

(*v*) To define nuisances and prevent and abate the same, whether on public or private property.

Issue of bonds.
Ordinance for bond issue.
Vote for bond issue.
Notice of election.
Votes.
New registration.

(*w*) To issue bonds of the city only after they shall have passed an ordinance by a two-thirds vote of the entire board at two separate regular meetings submitting the question of issuing the same to a vote of the people, and after a majority of the qualified registered voters shall have voted in favor thereof. No election for this purpose shall be held until thirty days notice thereof shall have been given by the council in some newspaper published in the city of Charlotte. At such election those who favor creating such debt shall vote "Approved," and those who oppose shall vote "Not Approved." The board of councilmen, if they deem it proper so to do, may order a new registration of the voters of said city at any and all such elections.

Complaints as to rates of public-service corporations.
Order fixing rates.
Copy to corporation and corporation commission.
Hearing by corporation commission.
Decision by corporation commission.
Right of appeal.
When order effective.

(*x*) That upon any reasonable complaint from a responsible party that the rates charged by any public-service corporation are unreasonable, the board of councilors shall carefully investigate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation, the said council shall enter upon its record an order directing the corporation to charge not exceeding such maximum rates as the council may deem proper. The council shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the record in the entire matter. As soon as practicable after the receipt the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing, the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the council shall not become effective until approved by the Corporation Commission as aforesaid.

(*y*) To appropriate annually, in the discretion of the board, not exceeding twenty-five hundred dollars to any association in the city organized for the purpose of advertising or promoting the public interests and general welfare of the city. Appropriation for advertising.

(*z*) To fix the location of hospitals in which contagious, infectious, or other communicable diseases are to be treated. Location of pesthouses.

(*aa*) To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health. Regulation of dangerous and unwholesome business.

(*bb*) To make and provide for the execution thereof of such ordinances, rules and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the inhabitants of the city as are not inconsistent with this act and the Constitution and laws of the State. The violation of said ordinance, when so enacted, shall be a misdemeanor. Health and general welfare.

(*cc*) To elect all officers and select all employees of the various departments whose selection is not herein expressly provided for: *Provided*, that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of councilors to the councilors of the respective departments, subject to the right of the board to review the action of the respective councilors: *Provided further*, the compensation of all employees shall be fixed by the board of councilors, and all fees shall be covered into the treasury. Officers and employees. Proviso: delegation of selection. Proviso: compensation of employees. Fees covered into treasury.

(*dd*) To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health, or other property, under such just rules and regulations as they may by ordinances establish, and likewise to suppress any and all other nuisances maintained in the city. Condemnation of dangerous buildings.

(*ee*) To establish and operate a city court as now provided by law, and to provide a jury system in said court. City court and jury system.

Sec. 20. That all ordinances, rules and regulations of the city of Charlotte now in force, or that may hereafter be enacted by the board of councilors in the exercise of the police powers given to it for sanitary purposes, or for the protection of the property of the city, unless otherwise provided by the board of councilors, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of said city limits within one mile in all directions of same, and to Lakewood Park, and to the right of way of all water, sewer, and electric light lines in the city, without the corporate limits, and to the rights of way, without the city limits, of any street railway company, or extension thereof, operating under a franchise granted by the city, and to the fair grounds of the Mecklenburg Fair Association, and upon all property and rights of way of the city outside the said corporate limits and the above mentioned territorial limits wheresoever the same may be situated. Operation of ordinances.

Grants of franchises. Proviso: grant submitted to election.

Sec. 21. No franchise shall be granted except upon separate votes on three separate regular meetings of the council: *Provided*, that the same shall be submitted at a special or general election to the qualified voters of the city for their approval or rejection, upon the application of a petition to that effect signed by fifteen per cent of the qualified voters of said city; that unless this petition is presented to the council within ninety days from the final passage by them of said franchise, then said franchise shall become valid and binding upon all parties without further action: *Provided*, that no franchise shall be granted for a longer time than forty years, and shall at all times be amenable to laws then in force or which may thereafter be enacted, applicable thereto, and shall only be granted to a citizen of North Carolina or a corporation chartered by said State.

Franchise binding without election.

Proviso: limitation on grant.

ELECTIONS.

Election of councilmen.

Sec. 22. On the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and every two years thereafter, there shall be elected a mayor who shall be councilman of accounts and finances, a councilman of public works, and a councilman of public safety, who, together, shall constitute the council of the city of Charlotte.

Notice of candidacy.

Sec. 23. On or before the fifteenth day of April in each year in which an election occurs any qualified voter desiring to become a candidate for mayor or councilor in the said city shall file with the city clerk substantially the following statement:

Form of notice.

State of North Carolina—County of Mecklenburg.

I (.....), being first duly sworn, say that I reside at ..... Street, city of Charlotte, county of Mecklenburg, State of North Carolina; that I am a candidate for election to the office of (mayor, or councilor of a particular department), to be voted upon at the election to be held on the first Tuesday after the first Monday in May, 19...., and I hereby request that my name be printed upon the official ballot for election at such election for such office.

[Signed].....

Sworn to (or affirmed) before me by ..... on this ..... day of ....., 19....

[Signed].....

Entrance fee.

Petition.

And shall, at the same time, pay to said clerk, to be turned over to the city treasurer, the sum of five dollars, to be used in defraying the necessary expenses of said election; that in addition to said statement, said candidate shall also file with said clerk a petition of twenty-five qualified voters, giving their residence and street number, which shall be substantially as follows:

"The undersigned duly qualified electors of the city of Charlotte, residing at the places set opposite our names, respectfully recommend the name of ..... as a candidate for the position of ....., at the election to be held on the first Tuesday after the first Monday in May, 19...., and request that his name be placed upon the official ballot. We further state that we know him to be a qualified elector for the city and a man of good moral character and qualified, in our judgment, for the duties of such office." Form of petition.

Sec. 24. That immediately after the fifteenth of April in said year the said clerk shall cause ballots in double the number of registered voters to be printed for the municipal election, authenticated with the facsimile of his signature, and delivered to the various registrars on the day preceding said election. Upon said ballots the names of the candidates for mayor shall be first placed; following these shall appear the names of the candidates for councilmen of the two departments respectively. All names shall be arranged alphabetically. At the left of each name shall be affixed a blank square. Preceding the names shall be printed, "Vote for one." The ballot shall be printed on plain white paper, and no particular designation or mark whatever shall appear thereon. The ballot shall have printed thereon the following information: Ballots. Arrangement of ballots.

"Place a cross in the square opposite the names of the candidates you favor for the respective positions." Form of ballots.

At the top shall appear, "Official Municipal Ballot, City of Charlotte, N. C." At the bottom of the ballot shall appear, "Official Ballot. Attest: ....., City Clerk": *Provided*, that the provision of section twenty-three, requiring candidates for mayor or councilor to file a statement on or before April fifteenth of each year on which elections are held, and the provision of section twenty-four, requiring the city clerk to prepare ballots immediately after April fifteenth in said year, shall not apply to the first election for officers under this act. Proviso: clauses not applicable to first election.

Sec. 25. That all persons entitled to vote for members of the General Assembly, if an election were held at that time, shall be entitled to participate in said election: *Provided*, he shall have registered according to law and have been a resident of the precinct for four months. Voters moving from one precinct to another are entitled to a transfer from the registrar. Any voter shall have a right, on election day, to challenge for just cause the right of another voter for his suffrage, and the matter shall be determined by the judges and registrar. Voters. Challenges.

Sec. 26. For the first election under this act the present election law shall be used. That the council shall, at its first meeting in March, one thousand nine hundred and fifteen, lay off the city into convenient precincts and appoint two judges and a registrar Law for first election. Precincts and election officers.

Notice of precincts and officers.

Registration.

Oaths of election officers.

Hours of voting.

Vacancies.

Canvassing board.

Organization.

Persons declared elected.

Certificate of result.

Copies of certificate.

Sheriff to settle ties.

Council to fill vacancy.

Special election on bonds.

Notice of elections.

Law governing elections.

Terms of office.

Removal to create vacancy.

Officers to be sworn.

Bonds of officers.

for each precinct, and cause notice to be posted at the courthouse door and published in the daily papers for one week, setting forth the boundaries, and the names of said registrar and judges, and shall also provide suitable books of registration and prescribe a time for which the registration shall be opened, which shall not be less than twenty days preceding the election, and shall provide such compensation as they shall see fit for the judges and registrars; the registrars and judges shall take and subscribe an oath, which shall be filed with the city clerk, to well and truly and in all matters conduct honestly and fairly said election. That the polls shall be open on election day from seven a. m. until seven p. m., and no longer. Any vacancy in the judges and registrars shall be filled by appointment by the mayor.

Sec. 27. That on the day immediately following the election the registrars or one of the judges of the several precincts shall meet in the city hall and form a canvassing board for said election. The board shall organize by electing one of its number as chairman and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct, as shown by the report of the registrar and judges, which report shall be signed by the two judges and the registrar, and shall declare the candidate for mayor receiving the largest number of votes elected, and in like manner the councilmen. The canvassing board shall certify under the hand and seal of the chairman and secretary this result to the mayor. Two copies of the canvassing board returns shall be made under the hands of the chairman and secretary of said board, one of which shall be given to the mayor and the other filed with the city clerk. In the event of a tie vote, the sheriff of the county shall cast deciding vote.

Sec. 28. That in the event of a vacancy in any elective office, the council shall choose some qualified voter of the city for the unexpired term, or during the disability of said officer, and such officer shall be subject to recall, as other officers.

Sec. 29. The council shall have power to call a special election for the purpose of voting upon the question of issuing bonds for any purpose. No special election shall be held unless thirty days publication shall be given in some newspaper in said county. All special elections shall be held under the same rules as herein provided for a general election. That the elective officers shall hold their positions until their successors shall be elected and qualified. In the event of the removal of any elective officer from the city, such removal shall, *ipso facto*, create a vacancy in his office.

Sec. 30. The officers elected under this act shall, before taking their office, make and subscribe an oath, which shall be deposited with the city clerk, to faithfully, honestly, and to the best of their ability perform the duties thereof, and shall file with the city clerk a good and sufficient bond, to be approved by the clerk of the court of said county and payable to said city, in the sum of ten

thousand dollars each, conditioned to honestly, in all things, perform their duties and safeguard the interests of the city.

Elective officers subject to removal.

Sec. 31. The holder of any elective office may be removed at any time by the electors qualified to vote. The proceeding to effect the removal shall be a petition, signed by electors entitled to vote for a successor, equal in number to twenty-five per centum of the entire vote for all candidates for the office of mayor cast at the last preceding municipal election, demanding the removal and the election of a successor, which shall be filed with the city clerk, and which shall contain a general statement of the grounds for which the removal is sought. The signatures need not be appended to one paper, but each signer shall give his street and number. One of the signers must make oath that the statements therein are true, as he believes, and that each signature to the paper is genuine. Within ten days from the date of the filing of the petition the city clerk shall examine from the voters registered and ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of such examination. If the clerk's certificate show the same to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition to the same effect. If the certificate show the petition to be sufficient, the clerk shall submit the same to the council without delay. The council shall at once order and fix a date for holding an election as provided for in the general election. The effect of the clerk's certificate showing a sufficient number of voters signing said petition shall be to suspend the person sought to be removed from the functions of his office. Unless requested in writing, the clerk shall place the name of the officer sought to be removed upon the official ballot for reëlection; that before the council shall order any election under this section, a bond shall be given to the city in the sum of two hundred dollars, to save said city harmless from the expense of said election in the event the removal sought is unsuccessful.

Proceedings for removal.

Signatures.

Verification of petition.

Examination of petition.

Return of petition if insufficient.

Petition submitted to council.

Officer suspended.

Candidate for reëlection.

Bond for expense.

City treasurer.

Sec. 32. At their first meeting the council shall designate one of their members as city treasurer, who shall serve without further remuneration. The funds of the city shall be kept in such bank or banks as will pay the city the most for its deposits, having due regard to the safety of the depository. The council shall elect a city attorney, recorder, and city clerk, who shall hold their offices, as all other employees, officers, and agents, at the will of the council.

Deposit of funds.

City attorney, recorder, and city clerk.

Penalty for absence from meetings.

Sec. 33. That if any councilman shall fail to attend a meeting of the council, of which he has notice, unless he be excused by the board, he shall pay, for the use of the city, the sum of ten dollars, which shall be deducted from his salary.

SALARIES.

Offices.
Salaries.

Sec. 34. The mayor and councilmen shall maintain their offices in the city hall. The compensation of the mayor shall be three thousand five hundred dollars per annum, and each councilman shall receive three thousand dollars per year, to be paid in monthly installments, and all officers, agents, and employees shall be paid in monthly installments.

Bond of treasurer.

Sec. 35. The city treasurer shall give a bond, conditioned as required by the council, in amount not less than ten thousand dollars, to be approved by the council and paid for out of the expense fund of the city, to faithfully and honestly discharge his duties and to protect the moneys and securities of the city.

Powers as tax collector.
Duty in collecting taxes.

Sec. 36. The commissioner of public accounts and finances, in the collection of taxes, shall be vested with the same power and authority as is given by the State to sheriffs or tax collectors, and shall be subject to the same fines and penalties for neglect of duty. It shall be his duty to collect all taxes levied by the board of council, and he shall be charged with the sums appearing on the tax lists as due for city taxes; he shall at no time retain in his hands over three hundred dollars, under a penalty of ten per cent per month, to be paid to the city, upon all sums so unlawfully retained. In the settlement with the councilman of public accounts and finances, he shall be credited with all poll taxes and taxes of personal property which the council shall declare to be insolvent and uncollectible, and such amount as may be involved in suit.

Penalty for retention of money.
Credits in settlement.

Jailer of county to receive prisoners.

Sec. 37. The keeper of the common jail of Mecklenburg County is hereby required to receive into said jail without a mittimus any person taken up by the police force and to keep such person safely until such offender shall be brought for trial, and for such services the jailer shall be entitled to such fees as are allowed by law.

Taxing power.
School tax.
Tax for interest.

Sec. 38. That for the purpose of raising revenue to defray the expenses of the government, the council shall have power to levy and collect for school purposes an annual *ad valorem* tax on all real and personal property within the corporate limits of said city, and on all personal property, and on all other property subject to a like tax, at a rate of not exceeding the present rate allowed by law on the hundred dollars valuation; and for the purpose of paying interest on the city's debt, an annual *ad valorem* tax on all property as above mentioned, not exceeding the present rate as allowed by law on the hundred dollars valuation; that section two thousand eight hundred and fifty-seven of the Revisal shall be used in construing this section. Taxes shall become due and payable on the first of September of each year, and the council may allow a reasonable discount for prompt payment thereof. All taxes not paid by January first following, the council shall add as a penalty a reasonable additional percentage thereto, which shall be collected as part of and in the same manner as such taxes.

Taxes due and payable.
Discount for prompt payment.
Penalty for non-payment.

Poll tax.

Sec. 39. Said council may levy and collect for general purposes a poll tax, not exceeding the present rate allowed by law, and for interest on the municipal debt, poll tax not exceeding the present rate allowed by law, on all male persons residents of the city on the first day of May of each year.

Tax on dogs.

Sec. 40. That the council shall have a right to levy and collect the tax on dogs, and when so paid the dogs shall be subjects of larceny.

Ordinance for assessment and collection of taxes.

Sec. 41. The council shall have power to provide all ordinances for assessing and collecting taxes, and to regulate the amount in making out and swearing to tax lists, inventories, and appraisements of the property in said city, fix a time and place and prescribe the number and form of assessment rolls; fix the duties and powers of list takers and appraisers and other officers necessary for levying and collecting all taxes, and shall adopt measures and prescribe and enforce penalties as may be deemed advisable to secure the proper assessment of all property and the collection of all taxes; that if such taxes are not paid by the first day of February, the councilman of accounts and finances shall proceed to collect such taxes and penalties by distress and sale, provided by law: *Provided*, that the time for listing property for taxation shall be during the month of May of each year.

Collection by distress and sale.

Proviso: time for listing.

Delinquent lists.

Sec. 42. That the councilman of accounts and finances shall, after the most diligent inquiry and by comparing his book with the county tax books, make out a list of all persons liable for poll tax or taxes on property, who have failed to make return, together with the estimated value of all poll and property not listed, and shall enter such persons in a separate part of said book and charge them with double taxes. No person shall be excused from paying said double tax except on application to the council, for good cause.

Failure to list misdemeanor.

Sec. 43. That all persons liable for poll tax who shall willfully fail to list same, and all persons who own property who willfully fail to list it within the time prescribed by law, shall be deemed guilty of a misdemeanor, and it shall be the duty of the councilman of accounts and finances of said city to prosecute offenders under this section.

Prosecution.

Levy and collection of tax.

Sec. 44. That as soon as the councilman of accounts and finances shall finish the assessment roll as provided, the council shall proceed to levy the taxes on such subjects for taxation as provided in this charter, and shall place the tax lists in the hands of the councilman of accounts and finances for collection: *Provided*, the council shall have a right to revise said roll, if it may elect so to do.

Proviso: revision of roll.

Attachment of lien for taxes.

Sec. 45. The lien for taxes levied for any and all purposes in each year shall attach on real estate of the taxpayers on the first

day of May annually, and continue until all taxes with penalties and costs shall be paid. There shall be no lien for taxes on personal property but from levy.

License taxes.

Sec. 46. That in addition to the subjects listed for taxation the council, for the purpose of raising revenue, may levy annual license tax on the following subjects, the amount of which tax shall be collected by the councilman of public accounts and finances, and if not paid when due, same shall be recovered by suit in the name of the city for the articles upon which tax is imposed, or any other property of a licensee may be forthwith distrained and sold to satisfy said tax, namely:

Peddlers and tables for play.

(1) Upon all itinerant merchants or peddlers; upon every billiard table, bowling alley or alley of any kind, bagatelle, pool, or table or stand or place for any other game or play, with or without a name, kept for hire, or a house used or connected with a hotel or restaurant.

Hotels.

(2) Upon every hotel, boarding-house, restaurant, or eating-house.

Circus performance and stage plays.

(3) Upon every circus performance, by whatever name called, exhibiting within the city or within a mile thereof, upon each or separate exhibition thereby; upon every company or person exhibiting within the city or a mile thereof, stage or theatrical plays, sleight-of-hand, rope-dancing, menagerie, or other exhibition for hire.

Artificial curiosities and other shows.

(4) Upon every exhibition for reward of artificial curiosities, except models of useful inventions; upon each show or exhibition of other kind or concert for reward, except for religious or beneficial purposes, within the city or a mile thereof, and upon every strolling musician: *Provided, however*, that the council may arrange a general license where a regular licensed hall or opera house is maintained.

Proviso: licensed halls.

Miscellaneous business.

(5) Upon every auctioneer or public crier; upon every stock and bond broker, sewing-machine company or agent, dealer or manufacturer's agent of musical instruments, livery stables, stock-yards, bill-posters distributing or tacking up bills, signs, or advertisements.

Miscellaneous business.

(6) Upon every building and loan association, oil agency, shooting gallery, photographers, hucksters, produce brokers, ice, wood, and coal dealers, insurance agent or agencies, skating rinks.

Public utilities.

(7) On every telephone, electric light, gas, power, mill supply, machinery supply, street railway and waterworks doing business in the said city.

Miscellaneous business.

(8) Upon each marble yard, undertaker, plumber, gas-fitter.

Miscellaneous business.

(9) Upon each barber shop, lightning-rod agents or salesmen, and stove dealers, dealers in fertilizers, practicing physicians, veterinarians, dentists, surgeons, opticians, oculists, civil engineers, aurists, chiropodists, manicurists, architects, persons engaged in the sale of any specifics; upon carriage, buggy, or wagon agents

or persons offering fees for sale as a business; upon builders, cigarmakers, tobacco factories, dancing schools, agents for the sale of machinery, engines, soda or mineral water; lecturers for reward, except for religious or beneficial purposes; dairy wagons or vehicles, milk depot, land agent or broker, loan or pawnshops, butchers, persons selling jewelry; upon each printing office, dealers in patent rights; upon all bottling establishments, opera houses or halls; upon every bank or banker, dealers in metals, cordage, junk shop, mill, manufactory, millinery, machine shop, foundry, commission merchants and commercial brokers.

Transfer lines, railroads and pressing clubs.

(10) Upon every omnibus, taxicab, hack, cab, dray, baggage wagon, used to transport persons, baggage, freight, or articles for hire; railroads, steam and electric companies, and pressing clubs.

Miscellaneous business.

(11) Upon moving-picture shows or vaudeville shows, skating rinks, cider or soft-drink dealers of whatever name, and upon any business or trade carried on in the said city, or upon any franchise, licensed or inchoate, held or enjoyed by any person, firm, or corporation.

License year.

Sec. 47. That the license shall begin on the first day of May of each year; that the council shall have power to graduate any license tax levied under this charter, by dividing the business into classes, according to size, patronage, or income: *Provided*, the taxes be uniform in all classes. That in addition to the subjects enumerated in the foregoing section, the council shall, for the purpose of raising revenue, have power to tax all persons, firms, or corporations and all property which are subject to taxation under the Constitution and laws of the State of North Carolina.

Graduation of tax.

Other subjects of taxation.

Revocation or refusal of license.

Sec. 48. That the council shall have power to license, tax, regulate, prohibit, and remove any license issued hereunder for conditions broken either in said license or for the violation of any law or ordinance; that the council shall investigate all applicants for license engaged in any line that they may determine, and may refuse said license for good and sufficient reason, and may require such bond or other condition from said proposed licensee before issuing same, and no person shall engage in any business in which a license is required without first obtaining same: *Provided*, that any person so doing shall be guilty of a misdemeanor; that no license shall be issued for a longer time than one year, and the same shall not be transferable or assignable except by permission of the council; that no license shall have been issued until the tax shall have been paid.

Bonds on licensee.

Doing business without license misdemeanor.

License not transferable.

STREETS.

Condemnation of land for streets.

Sec. 49. That when any land or right of way shall be required for the purpose of opening streets, widening or changing same, or other objects allowed by this charter or for public necessity, and compensation therefor cannot be agreed upon by the owner and the council, the same may be condemned, at a valuation to be made by three disinterested freeholders of the city, one of whom

Valuation by arbitration.

shall be chosen by the council, one by the owner, and the third by the two thus chosen. In case the owner shall refuse to choose his arbitrator and notifies the council thereof, for five days after being notified so to do, then it shall be the duty of the council to appoint a disinterested freeholder to act on the part of said owner, and, after giving the owner ten days notice, either personally or by publication in newspaper, and after being duly sworn to act impartially and fairly, the arbitrators shall consider the loss or damage to said land or right of way being surrendered, also such benefit or advantage accruing to said owner, and shall assess the value or amount to be paid, if any, and report the same under their hands and seals to the council, which report shall be spread upon their minutes and have the effect of a judgment against said city, and shall pass the title to the city, and a copy thereof shall be recorded in the register of deeds' office of Mecklenburg County: *Provided*, that the owner of the land thus taken, or the council, dissatisfied with the valuation or conditions, may appeal to the next term of the Superior Court, but such appeal shall not hinder or delay the council in proceeding with said public improvement.

Record of report.

Proviso: right of appeal.

Appeal not to delay action.

Powers as to streets.

Sec. 50. That the council shall have power to control, grade, permanently improve, cleanse, pave, and repair and change the grade of all streets and sidewalks as they deem best for the public good, and may regulate the lighting of public parks, regulate excavating of said streets or sidewalks, and may provide for and regulate the lighting of public parks, streets, and buildings, and shall regulate the placing of pipes, poles, wires, fixtures, tracks, or other appliances, whether above or below the surface thereof, and shall regulate and control the use of all streets and public places by persons, animals, vehicles, trains, or cars.

Lot owners to pave and repair sidewalks and streets.

Sec. 51. That every owner of a lot on any street, if so ordered by the council, shall pave or repair, in such manner as the council may direct, such sidewalk extending along such lot, and shall also, if so directed, pave or improve one-half of the street adjoining with such material and in such manner as designated by the council, and all work done under this section shall be under the supervision of the councilman of public works; that all failure to do so within twenty (20) days after notice to the owner of said lot, or, if he be a nonresident, by publication in a newspaper for ten days, and in mailing a notice to his last known address, calling on said owner to make such repairs, the council may cause the same to be repaired or improved as they shall direct, and the expense shall be paid by the person in default; said expense shall be a lien upon said lot, and if not paid within three months after the completion of the work, such lot may be sold, or enough of the same to pay such expenses and costs, under the direction of the council, in such manner as is provided for by law for the payment of unpaid taxes: *Provided*, that the council, in order to secure

Supervision of work.

Work done by city on default of owner.

Proviso: right of city to do all work.

uniformity in the work done, may, after giving ten days notice in the manner above described to the owner, shall have the work done by the city forces or by contract, and charge the actual cost of such work to said abutting property, which shall be a lien and collectible as herein provided: *Provided further*, that if the property-owner shall elect and give notice of the fact in writing to the board within thirty days after receiving the notice for the work to be done he shall have the privilege and option of paying the amount assessed for said work in ten equal installments, each installment bearing interest at six per cent from date of assessment, which shall be collectible and be a lien along with the taxes against said property; and for failure to pay any installment, the entire amount shall at once become due and collectible as herein provided. That for permanent improvement the city shall pay for drainage, grading, curbing, and intersections, and the abutting property-owner shall pay one-half each, less the proportionate cost to any public utility occupying said street: *Provided*, that fifty-one (51) per cent of the abutting property-owners in point of frontage within any prescribed district shall first in writing petition said council for said street improvement or repairs. That the proportion of payment by street railways or other public utilities shall be the same as at present for permanent improvement and general upkeep.

Proviso: payment by installments.

Apportionment of costs.

Proviso: petition for improvements.

Sec. 52. That the council shall have power to regulate or prohibit cellars or entrances to basements from the sidewalks or the excavating for cellar purposes of said sidewalks or any obstruction or signs placed upon or overhanging said sidewalks.

Cellars and cellar entrances.

Sec. 53. That the council shall have entire supervision and control of all water rates or water rents, and may, for failure to pay any accrued water rents, create a lien upon the property thus served, and may discontinue the service for nonpayment of charges.

Water rates.

Sec. 54. That it shall be a misdemeanor to willfully interfere with any property of the city or the discharge of any officer in his official duties.

Interference with city property or officer misdemeanor.

Sec. 55. That the council shall have control of all city property and may operate an auditorium or opera house for the benefit of the city, and shall have power to establish, maintain, and regulate a city market and slaughter-house.

City property.

Auditorium or opera house.

Market and slaughter-house.

Sec. 56. That the council have power to provide, establish, maintain, and operate an adequate sewerage system for the city, in all of its branches and aspects, and shall control and maintain a general health and sanitation department for cleansing said city and private property for the protection of the citizens thereof, and may compel any person to comply with its rules and regulations upon notice; that the violation of any rule or ordinance of the council under this section shall be a misdemeanor.

Sewerage system.

Health and sanitation department.

Violation of rule or ordinance misdemeanor.

Fire companies and fire departments.
Fire limits.

Sec. 57. That the council shall organize, equip, and maintain fire companies and fire departments, and shall encourage volunteer or patriotic fire companies. That the board may establish fire limits in the city, in which it shall be unlawful to erect, alter, or repair wooden buildings, and may prohibit the removal of wooden buildings into said limits, and may regulate the height and disposition of any building within said limits; that it shall be the duty of the council, as far as possible, to motorize said fire department. The council may make rules and regulations governing the erection and construction of buildings anywhere within said city limits, so as to make them as safe as possible from fire, and may order the blowing up or tearing down of any building to prevent or stop the progress of a fire, and no person shall be held liable, civilly or criminally, for acting in obedience to the order thus given. In case of immediate necessity, the commissioner of public safety alone may issue such an order.

Building regulations.

Destruction of buildings in arrest of fire.

Care of cemeteries.

Sec. 58. The council shall care for all cemeteries and shall keep them in good condition, and may make arrangements with the holders of lots for perpetually caring for same, upon the deposit of sufficient funds to do so; and shall make all rules and regulations for the use of said places of burial.

General law applicable.

Sec. 59. That the provisions of sections two thousand nine hundred and eighty-two to three thousand and ten, inclusive, of the Revisal, shall apply to said city, not inconsistent with the provisions of this act.

Boards abolished.

Sec. 60. That the board of water commissioners, the park and tree commissioners, the executive board, the board of library trustees, board of aldermen of said city, and any and all other boards or governing bodies, except the school board of said city, are hereby abolished, and their powers, duties, and functions are expressly vested in said council; that all ordinances, rules, contracts, and laws now in force, not conflicting with this charter, are hereby expressly retained and reënacted; that all laws or parts of laws in conflict herewith are hereby expressly repealed; that the schools of the city shall be controlled, operated, and maintained as heretofore, and the board of school commissioners are expressly retained.

Ordinances continued.

Laws repealed.

Schools.

Act submitted to voters.

Sec. 61. That this charter and the provisions of this act shall be submitted to a vote of the qualified voters of the city of Charlotte on the eighteenth day of April, one thousand nine hundred and thirteen, under the rules and regulations now prescribed by law for the election of the mayor and members of the board of aldermen of said city. That said board of aldermen shall cause a notice of said election and the purpose of the same to be published in some newspaper of said city for thirty days before said election, and the Clerk of the Superior Court of Mecklenburg County shall cause to be prepared and distributed at the various polling places in said city a sufficient number of printed ballots favoring

Date for election.

Notice of election.

Clerk of superior court to prepare and distribute ballots.

the provisions of this act and a like number against the same. The said board of aldermen shall cause to be prepared and delivered at each polling place in said city two ballot boxes, each being plainly marked, indicating, one of them, that the ballots cast and to be deposited therein are in favor of the provisions of this act; and the other box indicating that the ballots to be cast and deposited therein are in favor of the provisions of another act passed at the present session of this General Assembly, entitled "An Act to Revise the Charter of the City of Charlotte." All qualified voters wishing to vote in favor of the provisions of this act, and that the same shall be and become the charter and organic law of the city of Charlotte, shall vote at said election a written or printed ticket with the words thereon, "For Commission Form of Government," and those wishing to vote in favor of provisions of said act entitled as above, and hereinbefore referred to as "An Act to Revise the Charter of the City of Charlotte," and that the same shall be and become the charter and organic law of the city of Charlotte, shall vote a written or printed ticket with the words thereon, "For Aldermanic Form of Government." If a majority of such qualified voters shall vote "For Commission Form of Government," then it shall be deemed and held that this charter and the provisions of this act are favored and approved by majority of the qualified voters of the city of Charlotte, and the provisions of this act shall be and become in full force and effect, and this act shall be the charter and organic law of and for said city of Charlotte and the inhabitants thereof. If, however, the majority of such qualified voters shall vote "For Aldermanic Form of Government," then it shall be deemed and held that the said act, entitled "An Act to Revise the Charter of the City of Charlotte," and the provisions thereof, are favored and approved by a majority of the qualified voters of the city of Charlotte, and said act and the provisions thereof shall be and become in full force and effect, and it shall be the charter and organic law of and for said city of Charlotte and the inhabitants thereof.

Ballot boxes.

Ballots.

Majority of qualified voters to determine.

Effect of election.

In either case, however, the act and the provisions thereof so approved and favored by a majority of the said qualified voters is to be in full force and effect, not from the date of said election, but from and after the sixth day of May, one thousand nine hundred and thirteen.

When acts effective.

If, however, a majority of the qualified voters of the city of Charlotte, in said election so to be held as herein provided on the eighteenth day of April, one thousand nine hundred and thirteen, shall not vote ballots containing the words written or printed thereon "For Commission Form of Government," and if a majority of the qualified voters of the said city of Charlotte, at said election, shall not vote ballots containing the words written or printed thereon "For Aldermanic Form of Government," then the present charter of the city of Charlotte, being chapter three hundred and

Present charter to remain in force.

forty-two of the Private Laws of North Carolina, session one thousand nine hundred and seven, and all acts amendatory thereof, shall be and remain the charter and organic law of and for said city of Charlotte and the inhabitants thereof.

Effect of approval of act.

Sec. 62. That in the event a majority of the qualified voters of the city of Charlotte shall at said election so to be held on the eighteenth day of April, one thousand nine hundred and thirteen, as herein provided, cast their ballots with the words written or printed thereon "For Commission Form of Government," then, on and after the sixth day of May, one thousand nine hundred and thirteen, this act, and all the provisions thereof, shall thenceforth be the charter and organic law of the city of Charlotte, and all laws now constituting the charter of said city, and affecting the government thereof, in the grants heretofore made of its corporate franchise and powers (except acts relating to the issue of bonds), and all laws of a public and general nature inconsistent with or not coming within the purview of this act, are hereby repealed, so far only, however, as they may affect said city: *Provided, however*, that such repeal shall not annul any ordinances, by-laws, or rules of the said municipal corporation, unless the same be inconsistent with this act, nor shall such repeal affect any act done or any right accruing or accrued or established for any suits had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty, or obligations possessed by or due to the corporation by its present name from any corporation or person whatever be lost, affected, or impaired, but the same shall remain in full force, and be possessed, enforced, and enjoyed in the name and for the use of the corporation by the name of the city of Charlotte.

Proviso: effect as to ordinances, by-laws, and rules.

Offenses committed before act takes effect.

Sec. 63. That no offense committed, and no penalties or forfeitures incurred, under any of the acts or ordinances hereby repealed or before the time when such a repeal shall take effect, shall be affected by the repeal, except that whenever any punishment, penalty, or forfeiture shall have been mitigated by the provisions of this act, such provisions shall be extended and applied to any judgment to be pronounced after the repeal: *Provided*, that no suit or prosecution pending at the time of the repeal for any offense committed or for any penalty or forfeiture incurred under any of the acts or ordinances hereby repealed shall be affected by such repeal: *Provided further*, that no law heretofore repealed shall be revised by the repeal of any act repealing such law: and *Provided lastly*, that all persons who at the time said repeal shall take effect shall hold any office under any of the acts hereby repealed shall continue to hold the same according to the tenure thereof, except those offices which have been abolished, and those to which a different provision shall have been made by this act.

Proviso: pending litigation.

Proviso: laws not revived.

Proviso: offices not vacated.

Sec. 64. For the election hereinbefore provided for, to be held on the eighteenth day of April, one thousand nine hundred and thirteen, to which this act and the provisions thereof shall be submitted to a vote of the qualified voters of the city of Charlotte as hereinbefore more fully provided, the board of aldermen are hereby required and directed to order a new registration of the qualified voters of said city. The registration books, before said election, shall be kept open for thirty days preceding the fifteenth day of April, one thousand nine hundred and thirteen, after which date no one shall be allowed to register for said election. New registration.

Sec. 65. The clerk of the Superior Court is hereby directed and empowered to appoint the judges and registrars for the said election and for said registration; and in all respects, except as herein provided otherwise, the said election and the registration therefor shall be held under the rules and regulations and according to the provisions prescribed and now provided by law for holding municipal elections in the said city of Charlotte. Appointment of election officers. Law governing elections.

Sec. 66. The judges and registrars of the several voting precincts of said city shall by noon of the day following the election certify to the mayor of the said city of Charlotte and to the Clerk of the Superior Court of Mecklenburg County the number of the votes cast "For Aldermanic Form of Government," also the number of votes cast "For Commission Form of Government," and also the number of registered voters in their respective precincts, and the results of said election shall thereupon be declared by the said mayor of said city and the said clerk of the Superior Court, as soon as they can reasonably ascertain the result of said election, tabulate the votes cast at said election and the results thereof. Returns of election.

Sec. 67. That this act shall be in force and effect from and after the sixth day of May, one thousand nine hundred and thirteen: *Provided*, the same is ratified and approved by a majority of the qualified voters of the city of Charlotte as provided in this act. When act effective.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 361.

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS FOR CLAYTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of raising money to purchase a site or sites, and to build and equip a school building or buildings for the Clayton Graded School District, the board of trustees of Clayton Graded School District is hereby authorized and empowered to issue bonds to an amount not exceeding twenty-five thousand dollars thirty-year five per cent coupon bonds, interest pay- Bond issue authorized. Amount, maturity, and interest.

able semiannually on the first day of January and July in each year, said bonds and interest coupons payable at the Clayton Banking Company, Clayton, North Carolina. Said bonds shall be signed by the president and attested by the secretary, and the corporate seal of said board of trustees of said Clayton Graded School District thereunto attached, and the coupons on and attached to said bonds shall bear the printed facsimile of the signature of the president of said board of trustees.

Authentication.

Sale below par forbidden. Specific appropriation of proceeds.

Sec. 2. That said bonds shall not be sold for less than par, and the proceeds derived from the sale of the same shall not be used for any purpose other than mentioned in this act. By this provision no duty is imposed on the purchaser of said bonds to see how the proceeds of the said bonds by them purchased shall be used, but this provision applies only to the officers of the said Clayton Graded School District. Said bonds shall be exempt from all taxation, general and special, for county and municipal purposes.

Exemption from taxation.

Special tax.

Sec. 3. That for the purpose of paying the interest on said bonds and to provide a sinking fund for the retirement of said bonds at maturity, the board of county commissioners of the county of Johnston shall annually, at the time of levying other taxes, levy, lay, and assess a special tax on all taxable polls within said Clayton Graded School District of not exceeding thirty cents, and levy, lay, and assess a special tax on all personal and real property subject to taxation within said district not exceeding ten cents on the hundred dollars. That the taxes herein provided for shall be collected by the Sheriff of Johnston County and paid to the Treasurer of Clayton Graded School District, who shall keep the same separate and apart from all other taxes or funds he may have in hand or might receive, which shall be designated as "Bond Funds." That out of said bond funds the aforesaid treasurer shall annually, prior to January the first in each year, set apart a sufficient amount to pay the interest on the bonds sold and outstanding, and annually, on or before the first Monday in July following, pay said interest, the remainder of said bond funds or taxes paid shall be set aside to the sinking fund, which shall from time to time be turned over by said treasurer to the treasurer of the sinking fund of Clayton Graded School District hereinafter provided for, whose receipt shall relieve the treasurer of Clayton Graded School District of all further responsibility regarding the same.

Limit of rate.

Collection.

Separate fund.

Payment of interest.

Sinking fund.

Treasurer of sinking fund.

Sec. 4. That upon the ratification of this act by the electors of Clayton Graded School District, the trustees of said district shall appoint a treasurer of the sinking fund of Clayton Graded School District, whose duty it shall be to receive and properly account for all funds turned over to him by the treasurer of Clayton Graded School District, together with four per cent interest per annum thereon, payable semiannually from and after thirty days after receipt of same from the treasurer of said district. Said treasurer of the aforesaid sinking fund shall give a bond in the

Interest on sinking fund.

Bond of treasurer.

sum of one thousand dollars before he enters upon the discharge of his duties, conditioned upon the faithful performance of his duties and the accounting for all moneys received by him, with interest as herein provided. The said treasurer shall annually thereafter be elected by the board of trustees of Clayton Graded School District, and shall give bond double the sum of money on hand and which is estimated would be received during his term.

Treasurer elected and bond renewed annually.

Sec. 5. That before the bonds provided for herein shall be issued, this act shall be submitted to the qualified voters of Clayton Graded School District for their approval or rejection by the board of county commissioners of Johnston County at an election to be held in said district at such time as may be designated in petition of the board of trustees of said district; notice of said election shall be published for thirty days prior to date of holding same. Each voter who shall be in favor of issuing the bonds and paying and collecting the tax herein provided for shall cast a ballot, written or printed, containing the words "For Bonds." Each voter who shall be opposed to issuing said bonds and levying and collecting said tax herein provided for shall cast a ballot, written or printed, containing the words "Against Bonds." The number of ballots cast "For Bonds" and "Against Bonds" shall be counted and the result certified to the Register of Deeds of Johnston County, who shall furnish to the president of the board of trustees of Clayton Graded School District a certified copy of said returns, and forward a like copy to the Secretary of State, who shall file the same in his office, and the original shall be recorded and filed by the Register of Deeds of Johnston County, as by law required in cases of special elections.

Act submitted to voters.

Notice of election.

Ballots.

Count and certificates of result.

Record of result.

Sec. 6. That said election shall be conducted under the same rules, regulations, and penalties as are provided by law for the election of members of the General Assembly, except that the registrar and poll-holders necessary for holding said election shall be appointed by the board of county commissioners of Johnston County at their regular meeting thirty days prior to said election; and there shall be an entirely new registration under the provisions of the general election law of the State of all voters who are entitled to register in Clayton Graded School District, and only such persons who register under the provisions of this act shall be entitled to vote in said election.

Law governing elections.

New registration.

Sec. 7. If at the election herein provided for a majority of the ballots cast shall be "For Bonds," then the board of trustees of Clayton Graded School District shall proceed to issue and sell the bonds in this act provided for, or so many thereof as may be necessary, in such denominations as may be fixed by said board, in the discretion and judgment of the board of trustees, for the purposes aforesaid.

Issue and sale of bonds.

Sec. 8. That in the event said bonds are issued as provided herein, the proceeds derived from the sale thereof shall be used by

Use of proceeds of bonds.

the trustees aforesaid for the purpose of purchasing a site or sites for school buildings in said district, or purchasing additional grounds and the erection thereon of a suitable building or buildings, and to equip and furnish the same.

Bonds not issued.

Sec. 9. Should a majority of the ballots cast in any election held under the provisions of this act be "Against Bonds," then and in that event no bonds shall be issued thereunder: *Provided*, that if such election shall be "Against Bonds," it shall not exhaust the powers of said board of county commissioners, upon petition of the graded school trustees aforesaid, to order and conduct a second election at any time within two years on the same proposition; and if at such subsequent election a majority of votes cast thereat shall be "For Bonds," then and in that event said bonds may be issued and tax levied and collected as herein provided as if no prior election had been held.

Proviso: further election.

Special tax not affected.

Sec. 10. That the tax herein provided for shall in no wise affect the special tax levied for maintaining said school.

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect the same, and no further.

Sec. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 362.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE TOWN OF ALBEMARLE, STANLY COUNTY, TO APPOINT A MEAT INSPECTOR.

The General Assembly of North Carolina do enact:

Appointment authorized.

Section 1. That the board of commissioners for the town of Albemarle, Stanly County, are authorized and empowered to appoint for the town of Albemarle, and all territory within a mile

Duty of inspector.

of the corporate limits thereof, a meat inspector, who shall inspect all meats sold at any meat markets or other place, under the directions, rules and regulations as may hereafter be adopted by said board for inspection of meats within said territory.

Compensation.

Sec. 2. That the said board of commissioners of the town of Albemarle shall have the right to fix the compensation of the meat inspector for said territory and provide who shall pay the same.

Appointment discretionary.

Sec. 3. That it shall be discretionary with the said board as to whether they shall appoint a meat inspector for the territory referred to in section one of this act, but when they do so appoint,

Duty of inspector if appointment made.

then it shall be the duty of said inspector to inspect all meats sold therein, and in case any meat or meats are offered for sale in said

territory, the owner or owners thereof shall first have the same inspected under the rules and regulations adopted by the board of commissioners as herein provided before they shall sell the same, and if it shall appear that the said meat or meats are unfit for human food, then the inspector shall direct the owner thereof to dispose of the same in some other way than for human food, and if he or they shall sell the same after inspection and after notice that the same is unfit for food, or shall sell any meat or meats before having same inspected in said territory, then he or they shall be guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned not more than thirty days for each offense.

Sale after condemnation misdemeanor.

Punishment.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 363.

AN ACT FOR THE RELIEF OF J. W. LANGLEY, A CONFEDERATE SOLDIER OF ONSLOW COUNTY.

Whereas J. W. Langley of Onslow County was entitled to a pension as a Confederate soldier, for the year one thousand nine hundred and ten; and whereas his application had been favorably acted upon by the pension board of Onslow County at the regular meeting in July, one thousand nine hundred and ten; and whereas the said application, after having been favorably passed upon by said board, was misplaced, and when found was too late to get his pension for that year, to which he was entitled: Now, therefore, in order to give relief to this worthy old soldier and to give him what he was justly entitled at that time:

Preamble.

Preamble.

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the State Auditor is hereby authorized to issue a pension warrant in favor of J. W. Langley, a Confederate soldier of Onslow, for the sum of twenty-six dollars, being the amount to which he was entitled for the year one thousand nine hundred and ten.

Issue of warrant authorized.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 364.

AN ACT TO AMEND CHAPTER 93, PRIVATE LAWS 1907, DEFINING THE BOUNDARIES OF AND ESTABLISHING THE GLEN ALPINE GRADED SCHOOL DISTRICT IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter ninety-three, Private Laws of one thousand nine hundred and seven, be amended so as to add to and include within the lines and boundaries of the Glen Alpine Graded School District, the following territory, viz.:

Boundary. Beginning at a point in Abel Pitt's line on the south bank of the Catawba River (opposite A. L. Powell's west line) and runs, crossing the Catawba River, with A. L. Powell's west line to W. E. Giles' and Jud Galloway's double dogwood corner; thence with Powell's and Galloway's line to Alex. and Thomas Avery's line; thence with their line to the Catawba River; thence, crossing the same, back into the line of Abel Pitt's farm; and thence with the meanders of the Catawba River to the beginning.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 365.

AN ACT TO REVISE THE CHARTER OF THE TOWN OF BLACK MOUNTAIN.

The General Assembly of North Carolina do enact:

Incorporation. Section 1. That the inhabitants of the town of Black Mountain shall be and continue, as they have been, a body politic and corporate, and the corporation shall bear the name and style of the

Corporate name.

Property and rights vested. Town of Black Mountain, and under such style and name is hereby invested with all the property and rights of property which now

Corporate powers. belong to the corporation, and by this name may acquire and hold such estate as may be devised, bequeathed, sold, or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell, or dispose of the same, and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the rights and privileges necessary or belonging to or usually appertaining to municipal corporations.

Administration and government of town. Sec. 2. That the administration and government of said town shall be vested as heretofore in a mayor and board of aldermen,

and such other officers and agents as the mayor and board of aldermen may deem necessary to appoint for the proper government and welfare of said town; the present mayor and aldermen shall hold their respective offices until their successors are elected and qualified in the manner hereinafter set forth.

Present government continued.

Sec. 3. That there shall, on Tuesday after the first Monday in May, in the year one thousand nine hundred and thirteen, and every two years thereafter, be elected a mayor and three aldermen for said town; the said election and registration thereunder shall be held and conducted in the manner prescribed by chapter seventy-three, entitled "Towns," of the Revisal of one thousand nine hundred and five, and all the laws relating to the registration and election thereunder in said chapter shall be applicable to said election.

Town elections.

Law governing elections.

Sec. 4. That the mayor, on the day after election, or as soon thereafter as possible, and before entering upon the duties of his office, shall before the outgoing mayor or a justice of the peace take the following oath:

Mayor to qualify.

I (.....) do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Black Mountain, and that I will cause to be executed, as far as in my power lies, all the laws, ordinances, and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever: so help me, God."

Form of oath.

Sec. 5. That each alderman, before entering upon the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of alderman for said town according to the best of his skill and ability.

Aldermen to qualify.

Sec. 6. That the mayor and aldermen shall hold their offices respectively until the next ensuing election and until their respective successors shall be qualified.

Term of office.

Sec. 7. That if the mayor shall fail to give notice of election, to hold the same in like manner as herein prescribed, he shall forfeit and pay for the equal benefit of the town and of him who shall sue therefor, fifty dollars.

Penalty for failure to hold election.

Sec. 8. That if any person elected mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, or if the mayor be unable to discharge the duties of his office, the board of aldermen shall choose some person for the unexpired term, or during his disability, as the case may be, to act as mayor, and he shall be clothed with all the authority and powers given under this charter to the regularly elected mayor; and the board of aldermen shall also choose other aldermen to supply the place of such as shall refuse to act, and fill all vacan-

Aldermen to fill vacancy.

cies which may occur, and such persons shall be chosen as are heretofore declared to be eligible: *Provided*, in the event of the mayor's absence or sickness or disability or inability to act, the board of aldermen may appoint one of their number *pro tempore* to exercise his duties.

Proviso: mayor pro tempore.

Mayor made special court.
Jurisdiction.

Sec. 9. That the mayor of the town of Black Mountain is hereby constituted a special court, with all the jurisdiction and powers now and hereafter given to justices of the peace in criminal offenses occurring within the limits of said town, or upon property belonging to said town; he shall preserve and keep the peace, and may upon proper proceedings cause to be arrested persons found in the town limits charged or convicted of crimes in other towns, cities, counties, or States, and may bind such persons to appear at the proper tribunal to answer for their offenses, or in proper cases may imprison them. He shall also have jurisdiction to issue process; to hear and determine all misdemeanors consisting of a violation of the ordinances, laws, and regulations of the said town; to enforce penalties by issuing executions upon any adjudged violations thereof; to execute the laws, ordinances, rules and regulations made by the aldermen; and his indorsement of the names of witnesses upon a subpœna or warrant shall be authority for the officer to execute same: *Provided, nevertheless*, that he shall not have jurisdiction of laws of any nature or amount other than such whereof a justice of the peace may take cognizance, unless specially allowed by this act.

Proviso: jurisdiction as justice of the peace.

Proceedings in mayor's court.

Right of appeal.

Sentence to labor.

Sec. 10. That all proceedings in the mayor's court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Buncombe County. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court for failure to pay fines and costs, it shall be competent for said court to sentence such persons to imprisonment in the county jail or town lock-up for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public roads, public streets, or on the public works of the town.

Precepts of mayor.

Sec. 11. That the mayor may issue his precepts to the chief of police of the town and to such other officer to whom the justice of the peace may issue his precepts.

Minutes of precepts and proceedings.
Enforcement of judgments.

Sec. 12. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue, and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in Buncombe County and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Buncombe.

Mayor's office.

Sec. 13. That the mayor shall keep his office in some convenient part of the town, designated by the board of aldermen. He shall keep the seal of the corporation, and perform such duties as from time to time shall be prescribed; and the board of aldermen shall have power to pay the mayor a salary, the amount to be fixed by the board of aldermen, if in their judgment his services as such mayor warrants same.

Duties and salary.

Mayor to preside at meetings and break ties.

Sec. 14. That the mayor shall preside at all meetings of the board of aldermen, except as otherwise herein provided, and where there is an equal division upon any question or in the election of officers by the board, he shall determine the matter by his vote, and he shall vote in no other case.

Quorum of aldermen.

Sec. 15. That the board of aldermen shall constitute a quorum and be competent to perform all of the duties prescribed for the aldermen, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix stated days or nights of meeting for the year, which shall be as often, at least, as once in every calendar month. Special meetings of the board of aldermen may be held upon the call of the mayor or a majority of the aldermen, and all aldermen, when a meeting is called by the mayor, and those not joining in a call when called by a majority of the board, shall be notified of the meeting: *Provided*, they are in the town limits; but the board may at any regular meeting adjourn the meeting to any subsequent time, at which said time it may transact any business that could be transacted at a regular meeting.

Stated meetings.

Special meetings.

Proviso: adjourned meetings.

Forfeit for failure to attend meetings.

Sec. 16. That if any alderman shall fail to attend a regular meeting of the board of aldermen, or a special meeting of which he shall have had notice as prescribed in this charter, unless prevented by sickness, absence from town, or such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town five dollars, and it shall be the duty of the mayor to enforce such forfeiture.

Legislative powers.

Sec. 17. That the aldermen when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government or general welfare of the town as are not inconsistent with this charter and with the Constitution and laws of this State and the Constitution and laws made thereunder of the United States.

Clerk and treasurer to be elected by aldermen.

Sec. 18. That the aldermen at their first meeting after their election, or as soon thereafter as convenient, shall appoint a clerk and treasurer, who shall hold office during the term of the board of aldermen electing him and until his successor is elected and qualified, subject, however, to be removed at any time and another appointed in his stead for misbehavior or neglect in office. Before acting, the said officer shall take an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen, and shall execute a bond in such an amount as the board may require, with security, to be approved by the board.

Removal for cause.

Qualification and bond.

Salary and duty.

Sec. 19. The clerk and treasurer shall have a reasonable salary, to be fixed by the board, and it shall be his duty to keep a regular and fair record of the proceedings of the board and preserve all books, papers, and other articles committed to his care during his

Collections.

continuance in office, and to deliver them to his successor; and it shall further be the duty of the clerk and treasurer to call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, to deliver same to him, and to safely keep the same for

Disbursements on orders.

the use of the town; to disburse the funds according to such orders as may be duly drawn on him in a manner hereinafter specified;

Accounts.

he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to

Settlement with successor.

do so; on the expiration of his term of office he shall deliver to his successor all the moneys, securities, and other property intrusted to him for safe keeping or otherwise, and, during his continuance therein, he shall faithfully perform all duties lawfully imposed upon him as secretary and treasurer of said town.

Orders on town funds.

Sec. 20. That all orders drawn on the clerk and treasurer shall be signed by the mayor, and shall state the purpose for which the money is applied, and the clerk and treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Other officers elected by aldermen.

Sec. 21. That the aldermen at their first meeting after their election, or as soon thereafter as convenient, shall appoint a collector of taxes, a chief of police, and they may at their discretion appoint

Term of office.

a town attorney, who shall hold their offices during the official

Removal for cause.

term of the board of aldermen who appoint them, subject, however, to be removed by the board of aldermen and others appointed in their stead, for misbehavior or neglect in office.

Powers of tax collector.

Sec. 22. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs and county tax collectors have and subject to the same fines and penalties for failure of duty. He shall be charged with sums appearing by the tax lists as due for

Charges and credits.

town taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll taxes or personal property which the board of aldermen shall declare to be insolvent

Penalty for retention of money.

and uncollectible. He shall at no time retain in his hands over one hundred dollars for a longer time than seven days, under a penalty of ten per cent per month to the town upon all sums so

Committee to supervise settlements.

unlawfully retained. The board of aldermen at the meeting before the last regular meeting of each fiscal year shall appoint one or more of their number to be present and assist at the counting and settlement between the tax collector and clerk and treasurer and

Approval and record of settlements.

chief of police and other policemen. The accounts so audited shall be reported to the board of aldermen, and when approved by them

shall be recorded in the minute-book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud and specific error. The said tax collector, before entering upon his duties, shall enter into a bond for the faithful performance of his duty, in such an amount as the board may require, to be approved by the board. The fiscal year in the said town shall end on the first Monday in May. It shall be the duty of the board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to reëlection to said office.

Bond of tax collector.

Fiscal year.

Removal for failure to settle.

Sec. 23. That the board of aldermen shall have power to appoint such a police force as the good government of the town may require, who shall hold their offices during the term of the board appointing them and until their successors are appointed. The members of the police force shall give bonds in such sums as the board of aldermen may prescribe, for the faithful discharge of their duties imposed by law and the charter and ordinances of the town, and the faithful accounting for all the moneys that may come into their hands by virtue of their offices. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of the fines and cost collected by him. It shall be the duty of the chief of police to attend the mayor's court when in session and report any violation of law or ordinances of the town, to collect all fines and penalties imposed and pay the same to the town treasurer, and to execute the orders and judgments of the said court; to see that the laws and ordinances of the said town are enforced, and to do such other things as may be required of him by the board. The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the town, by suppressing disturbances and apprehending offenders; they shall execute all processes directed to them by the mayor or others, and in the execution thereof shall have the same powers which sheriffs and constables have. The members of the police force shall take an oath before the mayor for the faithful performance of their duties required by law and the ordinances. The said policemen shall have power to take bail for appearance of defendants or other persons charged with a violation of the town ordinances, in the manner and to such extent that such power is vested in sheriffs, and in case such person or persons shall not appeal, the mayor may issue a *sci. fa.* and enter judgment final against the defaulting party and his sureties. That the chief of police or any policeman shall have power to rearrest upon the same warrant a defendant or party who has been convicted and turned loose, on the statement that he will pay the fine and costs, upon failure to pay same, or in case of an escape.

Police force.

Bonds of policemen.

Chief of police.

Duties of chief.

Monthly settlements.

Further enumeration of duties.

Powers and authority of police.

Policemen to be sworn.

Power to take bail.

Sci. fa. and judgment.

Power of rearrest.

Fees to use of town.

Sec. 24. The policemen shall receive and turn over to the town treasurer the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as that of sheriffs for like service. The board of aldermen shall pass ordinances for the government and direction of the police, and fix their compensation. In time of exigency the mayor may appoint temporarily additional policemen for such time as may appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

Direction and pay of policemen.

Additional policemen.

Mayor may suspend policemen.

Sec. 25. The mayor may at any time, upon charges preferred, or upon finding said chief or any member of the said police force guilty of misconduct, have power to suspend such member from the service until the board of aldermen shall convene and take action in the matter; and upon hearing the proofs in the case, the board may discharge or restore such member; and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal; and the mayor shall suspend the chief or any member of the police force if found drunk on duty.

Review by aldermen.

Causes for dismissal or suspension.

Detectives and rewards.

Sec. 26. That the board of aldermen may employ detectives and offer rewards for the capture or conviction of criminals, in order to bring to justice offenders against the town ordinances and also offenders against the laws of the State, when the offense is committed in the town limits.

Taxing power.

Sec. 27. That in order to raise a fund for the expense incident to the proper government of the town, the board of aldermen may annually levy and collect the following taxes, viz.:

Taxes on property.

(1) On all real and personal property within the corporate limits, and all personal property owned by residents of said town, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding one dollar on every hundred dollars value.

Poll taxes.

(2) A tax not exceeding three dollars a poll on the taxable polls of all persons who may be residents in the town on the first day of June of each year.

Dog taxes.

(3) Upon all dogs kept in the town, and which may be so kept on the first day of June, a tax not exceeding one dollar, and all dogs so taxed shall be subjects of larceny.

License tax.

Sec. 28. That in addition to the subjects listed for taxation, the board of aldermen may levy an annual license tax on the following subjects, the amount of which tax when fixed shall be collected by the tax collector, and if it is not paid on demand, the same may be recovered by suit, or the article upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely:

Peddlers.

(1) Upon all peddlers vending or offering to vend in the town, a license tax not exceeding fifty dollars a year, except such only

as sell books, charts, maps, magazines, or wares of their own manufacture, but not excepting venders of nostrums and medicines, by whomsoever manufactured; and not more than one person shall peddle under a single license.

Tables for games.

(2) Upon every billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand, or place for any other game or play, with or without name, kept for hire or kept in a house, not exceeding fifty dollars a year.

Skating rinks.

(3) Upon every skating rink, or anything of the kind, a license tax not exceeding twenty-five dollars a year.

Circus riders.

Side-shows.

(4) Upon every circus, company of circus riders or performers, by whatsoever name called, who shall exhibit within the town, a license tax not exceeding two hundred dollars nor less than one hundred dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding twenty-five dollars nor less than fifteen dollars, the tax to be paid before exhibiting, or the same shall be doubled.

Stage plays.

(5) Upon every company or person exhibiting in the town stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing, or menageries, a license tax not exceeding twenty-five dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting, or the same to be doubled.

Other shows and concerts.

Proviso: shows in licensed halls.

(6) Upon every show or exhibition of any other kind, and on each concert for reward (unless for religious or benevolent purposes), in the town, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting, or the same shall be doubled: *Provided, however*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed.

Dogs.

(7) Upon every dog which may be brought into the town after the first day of June, if kept therein thirty days or more, a tax not exceeding one dollar for permission to keep said dog in the town, which permission shall not extend further than the last day of May next ensuing.

Bill-posters.

(8) Upon every person engaged in the business of posting, distributing, or tacking up bills, posters, signs, or advertisements of any kind, a license tax not exceeding five dollars: *Provided*, this shall not apply to persons or merchants who are residents of the town who are advertising their own business.

Other business, trades, and professions.

(9) The board of aldermen shall have power to levy an annual license tax on any business, profession, trade, or avocation of any kind carried on in the town of Black Mountain not before enumerated herein, not to exceed five dollars a year.

License year.

(10) That the license shall begin on the first day of June of each year, and when a license is taken out after the first day of June it shall be the same as if taken out on the first day of June: *Provided, nevertheless*, that the said taxes must be uniform for all in a class.

Proviso: taxes uniform as to class.

Doing business without license misdemeanor.

(11) Any person carrying on or practicing any business, profession, trade, or avocation of any kind upon which a license tax is levied, without having first obtained a license therefor, shall be

Punishment.

guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not less than five days or more than thirty days, or both.

Powers as to streets and sidewalks.

Sec. 29. That the board of aldermen shall have power to grade, macadamize, and pave the streets and sidewalks, and to lay out, change, and open new streets, and widen and change those already made or open, and make such improvements thereon as they may

Parks and squares.

deem best for the public good; also to lay out, regulate, and establish parks and squares within and without the town limits for the use of the town, to regulate and protect public grounds, and protect shade trees of the town.

Superintendent of streets.

Sec. 30. That the board of aldermen shall appoint a competent superintendent of streets to have charge of the streets of the town

Other officers.

under the supervision of the board of aldermen; and may appoint such other officers to care for and improve the streets, squares, and parks as it may think proper.

Apportionment of cost of street improvements.

Sec. 31. That every owner of a lot on a street, if so ordered by the board of aldermen, shall bear one-half the expense incurred in improving the curb and laying concrete walks as far as it may extend along such lot; said work to be done with such materials and in such manner as may be required by the board of aldermen, and all work done under this section shall be done under the strict

Width of sidewalk.

supervision of the superintendent of the streets, and under no circumstances shall any walk or sidewalk on any street be of a width

Expense a lien on lot.
Sale of lot for lien.

less than four feet; said expense shall be a lien upon said lot, and if not paid within sixty days after completion of such work, such lot may be sold, or enough of the same to pay such expenses and cost, under the same rules and regulations and restrictions, rights of redemption and savings as are prescribed in the said charter for

Proviso: option of landowner.

the sale of unpaid taxes: *Provided, however,* that the owner may, upon giving five days notice to the board of aldermen, do or let the work by contract before his premises, when work is being done on the street upon which said lot abuts and the work will extend

Proviso: cost of work.

to the said lot: *Provided further,* said work shall not cost the town more than work of its class if done by the town, and the said work must then be done under the strict supervision of the superintendent of the streets.

Tax lists.

Sec. 32. It shall be the duty of the tax collector to procure from the tax books of Buncombe County a list of all the taxable property, both real and personal, as returned by the tax listers and assessors, and the said tax collector shall use the most inquiry in obtaining his book from the county tax books and make out a list of all persons liable for poll tax or for taxes on property who have failed to return a list, and he shall enter all of said taxes upon a proper book and proceed to collect and enforce the collection of taxes as prescribed by law.

Other powers of aldermen.

Sec. 33. In addition to the above provisions, the board of aldermen may adopt provisions, ordinances, and regulations imposing penalties on persons failing or refusing to make the improvements and repairs mentioned after being so directed by the board of aldermen.

Power to condemn land.

Sec. 34. That when any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already made or open, or other subjects allowed by this charter, and for want of agreement for compensation therefor, and the same cannot be purchased from the owner or owners at what the board considers a reasonable price, the same may be condemned and taken by the board of aldermen at a valuation to be made by three disinterested freeholders of the town to be chosen by the board of aldermen; and in making said valuation said freeholders, after giving the owner or owners, or their agent, notice, or after giving ten days notice in a newspaper published in the county in case such owner or owners or their agents cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also such benefit or advantage the owner or owners may receive from the opening, widening, or changing such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner or owners of said property, and report the same to the board of aldermen under their hands and seals, which report, on being confirmed by the board of aldermen and spread upon their minutes, shall have the effect of a judgment upon the town of Black Mountain, and shall pass the title to the town of Black Mountain of the land so taken, and the land may at once be taken and used by the town for the purpose taken: *Provided*, that if any person whose land is taken under this paragraph or if the board of aldermen be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the Superior Court of Buncombe County: *Provided, however*, that such appeal shall not hinder or delay the board of aldermen in opening, widening, or changing such streets or making such improvement.

Procedure for condemnation.

Proviso: right of appeal.

Proviso: appeal not to delay work.

Franchises.

Charges for franchises.

Sec. 35. The board of aldermen may grant franchises to street railway companies, telephone companies, or companies of other kinds, to use the streets of the town to lay pipes, tracks, wires, and to set poles and to run cars and for other purposes, and may charge for such franchises and franchises and privileges, in addition to the annual license taxes, such amount as it may think just, to be turned over to the general fund of the town.

Sanitation.

Sec. 36. That the board of aldermen shall have power to cause alley lots, privies, stables, and other places of like character to be kept clean and decent, and shall have power to go upon the premises for that purpose.

Abatement of nuisances.

Sec. 37. That the board of aldermen shall have power to abate and remove nuisances, and the said power shall extend one-half mile beyond the town limits.

Health ordinances.

Sec. 38. That the board of aldermen shall have power to pass ordinances for the prevention or restriction of unwholesome or dangerous occupations or manufactories, for the removal or abatement of all nuisances, and for the protection of the public health.

Hospitals and pesthouses.

Sec. 39. The board of aldermen may establish and maintain a hospital or hospitals or pesthouses in the town or within one mile thereof; may stop, detain, examine, or keep in the pesthouse or house of detention persons having or suspected of having any infectious or contagious disease; may quarantine the town or any part thereof, and may cause all persons in the town limits to be vaccinated, and do all and other proper and reasonable things to prevent or stamp out any contagious or infectious disease.

Quarantine.

Interference with officers misdemeanor.

Sec. 40. That any person who shall attempt by force or by threat of violence to prevent his or her removal or that of any other person to the pesthouse, house of detention or hospital, or who shall in any way interfere with any officer while performing any of his duties allowed by this chapter, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Punishment.

Fire companies and fire department.

Sec. 41. That the board of aldermen shall have power to provide for the organization, equipment, maintenance, and government of fire companies and a fire department.

Waterworks, sewer, and light system.

Sec. 42. The town may own, maintain, operate, and control its own system of waterworks and sewerage and light system, and shall have power and authority to charge for use of the water and make all necessary rules and regulations for the proper management and control of said system.

Rights of way.

Sec. 43. That the board of aldermen shall have power to acquire and hold right of way within and without the town limits that may be necessary for the government and welfare of the town,

Power of condemnation.

and shall have power to condemn and take right of way, water rights, and other property for the purpose of getting a pure and adequate water supply and of furnishing lights for the town and its citizens. That the proceedings for said condemnation shall be the same as are herein prescribed for the condemnation of land for street purposes.

Proceedings for condemnation.

Criminal jurisdiction of mayor.

Sec. 44. That the mayor shall have criminal jurisdiction concurrent with justices of the peace within one mile outside of the corporate limits of the town. That the policemen of said town shall have power and authority to execute all criminal processes and make arrests within one mile outside of said limits, to the same extent and in like manner as they are now authorized to do within the corporate limits.

Powers of policemen.

Observance of Sunday.

Sec. 45. That the board of aldermen shall have power to pass ordinances for the due observance of Sunday.

Sec. 46. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases. Fees of mayor.

Sec. 47. That all costs and fees for service of process or other services performed by policemen shall be the same as provided for by law as in cases of constables and sheriffs, and the same shall be paid to the officer serving same by the proper authorities: *Provided*, that if any of the said officers are on salary, then all such fees earned by them shall be paid into the town treasury for the use of the town. Fees of policemen. Proviso: fees paid to town treasurer.

Sec. 48. That any person or persons violating any ordinances of the town shall be deemed guilty of a misdemeanor. Violation of ordinance misdemeanor.

Sec. 49. That the town of Black Mountain may convey lands and all other property which is transferable by deed of bargain and sale or other proper deed, sealed with the common seal, signed by the mayor and secretary of the board of aldermen, and attested by a witness. Conveyance of property.

Sec. 50. That if any person or persons resist any officer in the discharge of his duties, by force or threats, such person or persons shall be guilty of a misdemeanor. Resistance to officer misdemeanor.

Sec. 51. All misdemeanors, where a specific punishment is not prescribed, shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days, or both. Punishments.

Sec. 52. That no person shall have the right in any proceeding before the mayor to remove the same to any other court for trial as is prescribed for the removal of causes from one justice of the peace to another, as provided in the Revisal of one thousand nine hundred and five, section fourteen hundred and fifty-five, but in all cases parties shall have the right of appeal as herein provided. Cases before mayor not removable. Right of appeal.

Sec. 53. That the board of aldermen, when they deem it necessary, shall have power to employ a legal counselor or town attorney. Legal counsel.

Sec. 54. That the mayor and board of aldermen of said town of Black Mountain shall have power and authority to make such rules and regulations as they deem necessary looking to the public safety of said town, and shall have power and authority to establish such laws and regulations relating to buildings within said town as they deem necessary, and shall also have authority to condemn any building or buildings within the limits of said town which they are of opinion are unsafe and dangerous to the inhabitants of said town, and shall have authority to require any building or buildings within the limits of said town which is in an unsafe and unsound condition to be put in the proper condition and repair, and shall have power to cause the said buildings to be removed or destroyed if the owner or owners of said buildings refuse to obey the orders of the board of aldermen in respect thereto; they shall also have authority to establish fire limits within the said town, and to prohibit the building or constructing of any wooden building within the said limits, and also the power Rules for public safety. Building regulations. Condemnation of buildings. Enforcement of repairs. Fire limits.

to require the owner or owners of any buildings proposed to be built to obtain from the board of aldermen a permit therefor.

Collection of arrears.

Sec. 55. That the mayor and board of aldermen shall have the power to collect all taxes which are due the said town which accrued since the year 1907, and the tax collector hereby authorized and directed to proceed to enforce the collection of all such back taxes.

Sec. 56. That all acts or parts of acts in conflict with this act are hereby repealed.

Sec. 57. That this act shall be in force from and after its ratification.

Ratified this 7th day of March, A. D. 1913.

CHAPTER 366.

AN ACT TO INCORPORATE UNION TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Fred. C. Boyce, Jr., W. George Thomas, John R. Hall, H. T. Macon, and H. Perry, or any three of them, their successors, associates, and assigns, are hereby created a body

Corporate name.

politic and corporate under the name of Union Trust Company, and

Corporate powers.

by that name shall have all the rights, powers, and privileges incident and pertaining to corporations.

Capital stock.

Sec. 2. That the capital stock of the corporation shall be limited to one hundred thousand dollars, divided into one thousand shares

Books of subscription.

of the par value of one hundred dollars each. The corporators above named, or any three of them, may open books of subscription to the capital stock, and after fifty shares of stock have been

Notice of meeting for organization.

subscribed, the corporators having charge of the books of subscription may give notice of a meeting of the subscribers for stock, to be held at some place in the city of Raleigh at a time to be fixed in the notice, and at such time the subscribers for stock, or a majority of them in interest, may meet and organize the company

Minimum of stock.

(the corporation), and as soon as five thousand dollars of capital has been paid in, the corporation shall have authority to commence business.

Principal office.

Sec. 3. The principal office and place of business of the corporation shall be in the city of Raleigh, North Carolina, and the cor-

Branch offices.

poration is authorized to establish branch offices at such other places as it may deem proper and for the advantage of the corporation. The corporation is authorized to determine what officers

Officers, by-laws, and regulations.

it shall have; to make all needful by-laws, rules and regulations for the conduct of its business in accordance with this act; to

Corporate powers.

make contracts; to use a common seal; to sue and be sued in the courts as fully as natural persons; to buy, sell, hold, and convey

real estate, personal or mixed property, and to do any and all lawful acts and exercise all lawful privileges and powers which a corporate body may do or exercise.

Stock of other corporations.

Sec. 4. That the corporation may become the owner of the capital stock of other corporations either by subscription or purchase, and may sell the same, and may, by its properly constituted agent or agents representing the corporation at the meetings of such other corporations, vote the strength of its stock in the management of the affairs of such other corporation; that the corporation may purchase the entire stock or business of any other corporation doing business authorized under this act, or consolidate with such other corporation or corporations. The corporation is authorized to do the business of a general dealer in stocks, bonds, notes, shares, debentures, or other securities of any State, municipality, corporation, firm, partnership, or other business; to act as fiscal agent for or on behalf of any corporation, company, firm or partnership, whether public or private, or for any person, in the purchase or sale of any debentures, stocks, bonds, notes, mortgages, or other securities, with or without guaranty or obligation by the corporation, and the corporation may subscribe or sell any part of its property, real or personal, or any interest acquired by it, to any person or other corporation for any portion of its bonds, securities, obligations, or capital stock, as may be agreed upon, without liability beyond the terms of the purchase or subscription.

Purchase and consolidation.

Business of brokerage.

Fiscal agent.

Sales to other corporations.

May act as agent, factor, or trustee.

Sec. 5. That the corporation shall have the right to act as agent, factor, or trustee for any State, county, town or city, or other municipality, corporation, company, firm, partnership, or individual, on such terms as to the agency may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing in and disposing of any and all bonds, certificates of stock, or any description of property, real or personal, or for the guaranteeing of the payment of any such bonds, certificates of stock, or other evidences of debt, and for the general management of the business intrusted to it as agent, and may charge such premiums, commissions, or rate of compensation as may be agreed on concerning any of the matters and things authorized to be done by this act.

May act in fiduciary capacities.

Sec. 6. That the corporation shall have the power to receive money in trust, to become executor, administrator, guardian, receiver or collector of any estate, and to accept and execute any other trust which may be committed to it by any of the courts of this State or of the United States by any corporation, company, firm, or private person, and to accept any grant or transfer, devise or bequest of any property or trust created by the laws of this State, and to execute the same on such terms as may be established and agreed on by the board of directors of the corporation.

Appointments by courts authorized.

Sec. 7. That in all cases where the application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner, collector, or guardian

of any minor, lunatic, or inebriate, it shall be lawful for such court, if it shall deem it proper, to appoint Union Trust Company to act in such capacity, and the accounts of the corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and on such adjustment and settlement all proper, legal, and customary charges, costs, and expenses shall be allowed the corporation for its services, care and management of the estate so committed to its charge, and said corporation acting in such fiduciary capacity shall be subject to all orders and decrees made by any proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken for the qualification to any office or trust may be taken by any officer of the corporation, and the oaths prescribed by law may be so modified as to apply to corporations instead of individuals.

Settlement of accounts.

Costs and expenses.

Proviso: oath of qualification.

Power to act as trustee.

Sec. 8. That the corporation is hereby authorized and empowered to act as trustee for any insolvent person, firm, or corporation; to act as trustee in bankruptcy under the National Bankruptcy Act.

Powers as warehousemen.

Sec. 9. That the corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, and merchandise, cotton and other farm products and personal property of whatsoever nature, and charge and receive compensation for the storage and keeping of such, which charge shall constitute a first lien on the property so stored; make rules, regulations, and by-laws fixing terms and prices for storage, manner of inspection, form of receipts, insurance on property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit on cotton or other product and products, and goods, wares, and merchandise and personal property stored, and the warehouse receipts issued by the corporation are hereby declared to be negotiable instruments and pass by indorsement and delivery and entitle the bearer thereof to the property marked and designated therein in the same manner as the original holder would be if he had not assigned it: *Provided*, in the absence of any stipulation in the receipt of contract between the corporation and the depositor of property in said warehouse, the corporation shall be held only to exercise of ordinary care in the custody and protection of such property, and the corporation shall be under the control of and shall obey all laws governing such institution.

Charges a lien on property stored.

Advances on property.

Receipts negotiable.

Proviso: responsibility of company.

Powers as to real estate.

Sec. 10. That the corporation shall have the authority and power to buy and sell real estate; to act as agent for the purchase and sale of real estate or any interest therein; to lease or rent real estate for itself or as agent for any other person, firm, or corporation; to purchase land, lay off streets or roads thereon, subdivide the land into lots, and to improve any such real estate and sell the same as if it were done by an individual.

Sec. 11. That the corporation may engage in the purchase or sale of insurance on life or property, or both; act as agent for any insurance company and for any bonding company authorized to do business in this State; to collect the premiums on policies of insurance, and commissions on bonds by bonding companies, and generally do any and all things necessary for the proper conduct of a general insurance business, as agents for insurance companies of all kinds, including life, health, sick benefit, fire, accident, live stock, boiler, or any other kind of insurance company or bonding company authorized to do business in this State under the laws of the State. May act as insurance agents.

Sec. 12. That no stockholder in the corporation shall be liable for any debt on behalf of the corporation for a greater amount than the par value of the stock held by him in the corporation. Stockholders not personally liable.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 367.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF AYDEN, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred thirty-seven of the Private Laws of one thousand nine hundred and seven be amended by striking out all the description and words in said section beginning, in line three, with the word "beginning" down to and including the word "beginning" in line twenty-two, and inserting in their place and stead the following words, which shall hereafter be the corporate boundary of said town, to wit:

"Beginning at a certain point in the line of the original corporate limits of said town at an iron stake on J. S. Hart's land, sixty-five feet from the east side of the right of way of the Atlantic Coast Line Railroad Company, and runs with the line of said right of way north six east fifty-five poles to a stake on the right of way; thence south eighty-one and one-half west twenty poles to a stake on J. S. Hart's land; thence south six east fifteen and one-half poles to a stake near J. S. Hart's hogpen gate; thence north eighty-five and one-half west thirty-two and one-half poles to a stake centered by two oaks and a gum; thence south thirty-three west twenty-six poles to a pine in J. S. Hart's line; thence south sixty-eight and one-half west thirty-four poles to Gardner and Jenkins' line; thence north sixty-seven west thirty-two and one-fifth poles to the E. J. Gardner corner; thence south thirty and one-half west thirty-three poles to the north side of the public Corporate boundary.

road; thence north fifty-eight west thirty-eight and one-half poles with north side of said road to the junction of road leading to W. B. Dennis' home; thence south eighteen west sixty-three and one-fifth poles with east side of the lane to north side of Third Street extended; thence south eighteen west thirteen and two-fifth poles to a stake from north side of Third Street extended; thence south eighty-three and one-third east seventy-two poles to the west side of public road near D. M. Newell's residence; thence south twenty-one and one-half west twenty-nine and seven-eighths poles with the west side of the public road to a stake; thence south eighty-two and one-half east thirty-seven poles to the Venter's property; thence south six and one-half west seventy and one-third poles with Venter's and J. L. Buck's line to the southeast corner of colored church lot; thence south eighty-four and one-half east twenty-four and one-fourth poles to a stake on ditch, W. H. Harris' land; thence south sixty-seven and one-half east forty-two and one-half poles to the south end of Lee Street at the road; thence north fifty-seven east thirty-four poles with road to J. J. Harrington's corner; thence north fifty-seven east forty-seven poles with J. J. Harrington's line to a stake; thence north eighty-one and one-half east to the cemetery extended; thence a southerly course with the cemetery line to the southwest corner of said cemetery; thence north eighty and three-fourths east three hundred and eighty-one feet to the southeast corner of said cemetery lot; thence northerly with the cemetery line to W. M. Forest land; thence a westerly course with said Forest line to the old cemetery corner, and thence north twenty-one and three-fourths east fifty-four poles to Third Street; thence south eighty-four and one-fourth east seventy-eight poles with Third Street; thence north ten and one-half west fourteen poles; thence north thirty-six west twelve and two-third poles to Second Street; thence north five and one-half east fifty-two poles; thence north eighty-three and one-half west one hundred and forty-three poles to the beginning on J. S. Hart's land.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 368.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF CONCORD TO CONTRIBUTE TO THE DRAINAGE OF IRISH BUFFALO CREEK.

The General Assembly of North Carolina do enact:

Contribution authorized.

Section 1. That the board of aldermen of the city of Concord, in order to protect the health of the inhabitants of the city of Con-

cord, be and they are hereby authorized and empowered to contribute the sum of five hundred dollars toward the drainage of Irish Buffalo Creek. Amount.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 369.

AN ACT TO INCORPORATE THE TOWN OF PROCTORVILLE, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Proctorville, in the county of Robeson, be and the same is hereby incorporated under the name and style of the town of Proctorville, and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, both real and personal, for the use of the town, as its board of aldermen may deem necessary and expedient. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows, to wit: Beginning in the center of Little Indian Swamp Canal at the southeastern corner of C. W. Graham's land, and runs west with the line between C. W. Graham and George Graham, crossing the public road eight hundred and twenty yards south of the Atlantic Coast Line Railroad to the run of Big Indian Swamp; thence north with the run of Big Indian Swamp to a point about eight hundred yards north of the Atlantic Coast Line Railroad; thence east in a line parallel with Main Street so as to cross Spruce Street eight hundred and twenty yards north of the Atlantic Coast Line Railroad, to the Little Indian Swamp Canal; thence south with the said canal to the beginning. Corporate limits.

Sec. 3. The officers of said town shall consist of a mayor and three commissioners, who shall be styled the Board of Aldermen of Proctorville, and the said mayor and the aldermen shall be elected by the qualified voters of said town on the first Monday in May, one thousand nine hundred and thirteen, and annually thereafter, under the same rules and regulations as are prescribed by the laws for the holding such elections under chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina; a constable and secretary and treasurer, to be chosen by the board of aldermen immediately after its organization, to hold office one year or until their successors are duly elected and qualified; and until the first Monday in May, one thousand nine hundred and thirteen, K. Atkinson shall fill the office of mayor; C. W. Graham, K. Barnes, and J. K. Atkinson shall act as alder- Mayor and commissioners. Election. Officers elected by commissioners. First officers named.

men; P. P. Smith shall act as constable, and the secretary and treasurer shall be appointed by the board of aldermen at their first meeting, to be held within fifteen days after the ratification of this act.

Taxing power.

Sec. 4. The board of aldermen of the town shall have authority to assess and collect annual taxes for municipal purposes on all taxable persons and property within the corporate limits which are taxed for State and county purposes, under such rules and regulations as they may adopt: *Provided*, that the basis of taxation between persons and property shall be the same as established by the Constitution of the State, and taxes assessed and collected shall not exceed fifty cents on the one hundred dollars of property and one dollar and fifty cents on the poll.

Proviso: constitutional equation.

Limit of rate.

Legislative powers.

Sec. 5. That the board of aldermen of the town may pass all ordinances they may deem necessary for the good government, quiet, peace, health and safety of the town, not inconsistent with the Constitution and laws of the State of North Carolina and of the United States.

Violation of ordinance misdemeanor. Punishment.

Sec. 6. That the willful and unlawful violation of any ordinance of the town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment for thirty days.

Jurisdiction of mayor.

Sec. 7. That the mayor of said town, within the limits thereof, shall have and exercise the same jurisdiction and power which are or may hereafter be conferred upon such officer by the laws governing cities and towns; and the constable or marshal of said town shall, within the corporate limits thereof, have and exercise all the authority, rights, and powers which are or may be hereafter conferred by law upon constables, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such constable.

Powers of constable.

Collections by constable.

Sec. 8. That the town constable shall collect and pay over to the secretary and treasurer all taxes imposed by the board of aldermen, all fines and costs, when execution is issued to him for that purpose, and return the same in due time to the secretary and treasurer. He shall see that the ordinances of the town are enforced, and report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence and apprehending offenders and taking them before the mayor, or if they are intoxicated or in any way not in condition to be brought before the mayor, he may confine them there until they are in a condition to be brought before the mayor. He shall execute all process directed to him by the mayor within the limits of said town, and make due return thereof, and in the execution of any criminal process he may call to his aid such assistance as he may deem necessary; and whenever the board of aldermen may deem it necessary they may appoint as many addi-

Enumeration of duties.

Execution and return of process.

Power to summon posse.

Additional constables.

tional constables as they see proper. He shall have the same fees for his services as are now allowed the sheriff for similar services, and such additional compensation as the board of aldermen may allow. Fees and compensation.

Sec. 9. The secretary and treasurer shall act as clerk of the board of aldermen and of the mayor's court. He shall keep minutes of all trials brought before the mayor, of all fines imposed, preserve the books, papers, and all other articles committed to his charge, keep a strict account of all moneys coming into his hands, from any and all sources whatever, belonging to said town; pay the same out on the order of the board of aldermen, signed by the mayor; and at the expiration of his term of office shall turn over to his successor all books, papers, money, and other property belonging to said town; and for his services he shall receive such compensation as the board may allow. Duties of secretary and treasurer. Settlement with successor. Compensation.

Sec. 10. That the secretary and treasurer, before entering upon the discharge of his office, shall enter into bond, conditional upon the faithful performance of his duties, in a sum not to exceed five hundred dollars, payable to the State of North Carolina, with surety to be approved by the board of aldermen; and the town constable shall enter into like bond before entering upon the duties of his office. And the board of aldermen shall institute suit in the name of the town of Proctorville upon the relation of the State of North Carolina for any violation of said bond. Bond of secretary and treasurer and of constable. Suit on bond.

Sec. 11. That the mayor shall have power to commit any offender who is sentenced to imprisonment for misdemeanor or violation of the town ordinances, or for contempt of the mayor's court, or upon failure to pay fine or costs, to the common jail of the county, and the sheriff or jailer shall receive such prisoners as are committed by the mayor, and shall charge the same fees as in case of other prisoners; or the mayor shall have power, under such rules and regulations as the board of aldermen may adopt, to require any person who fails to pay fine and costs to work on the streets of the town till the fines and costs are paid. Commitments by mayor. Fees of jailer. Street work in payment of fines and costs.

Sec. 12. That the mayor, immediately after his election, and before entering upon the duties of his office, shall, before a justice of the peace or other person qualified to administer an oath, take the oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to law. Mayor to qualify.

Sec. 13. That each alderman, before entering upon the duties of his office, shall take before the mayor or before some justice of the peace or other person qualified to administer oaths, the oath prescribed for public officers and an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability, and judgment. Aldermen to qualify.

Sec. 14. That the mayor and aldermen shall hold their offices respectively until the next ensuing election and until their suc- Terms of mayor and aldermen.

Mayor to preside and break ties.

Mayor pro tempore.

Vacancies.

cessors are elected and qualified. The mayor, when present, shall preside at the meetings of the board of aldermen, but shall not be entitled to vote upon any question except in case of a tie. In the absence of the mayor, the board may appoint one of their number mayor *pro tempore*. The said board shall have power also to fill all vacancies which may occur.

Forfeit for failure to qualify and serve as mayor or alderman.

Sec. 15. Any person qualified to serve and elected mayor or alderman, either by the electors at their annual election or by the board to fill a vacancy, or otherwise, who shall not take the oath of office within five days after his election, or who, having qualified, shall fail to serve during the term for which he may be elected (inability from sickness, removal from the town, or resignation excepted), shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of Robeson County in the name of and for the benefit of the town of Proctorville.

Powers of aldermen as to streets.

Sec. 16. That the board of aldermen shall have power from time to time to open out any new streets and alleys within the limits of said town by paying the owners through whose land the said streets and alleys may run, the damage, if any there be: *Provided*, that if the said aldermen and the owners of said land cannot agree as to the price of the same, it shall be left to three disinterested persons, to be selected as follows: the aldermen shall select one and the owner of the land one, and the two thus selected shall select the third man, and the persons thus selected shall assess the damages; and if the owner of the land shall fail or refuse to select a man, then the aldermen shall select two men, and the two men thus selected shall select the third, and the three shall assess the damages to the land: *Provided*, that either party being dissatisfied with the decision of the persons thus selected, by the giving bond for the payment of costs, may appeal to the Superior Court.

Proviso: arbitration for assessment of damages.

Proviso: right of appeal.

Term of mayor and aldermen.

Sec. 17. That the mayor and aldermen named in this charter shall hold said offices, with all the powers, privileges, rights, and responsibilities which this charter gives, until their successors are elected and qualified.

Rights under general law.

Sec. 18. That in addition to the rights, franchises, and immunities conferred by the foregoing sections, the town of Proctorville shall have and be subject to all the privileges and provisions contained in the Revisal of North Carolina of one thousand nine hundred and five, chapter seventy-three, not inconsistent with this act.

Sec. 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 20. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 370.

AN ACT TO REPEAL CHAPTER 86 OF THE PUBLIC LAWS OF NORTH CAROLINA OF 1911, WHICH IS "AN ACT TO AMEND CHAPTER 73 OF THE REVISAL OF 1905 OF NORTH CAROLINA, ENTITLED 'TOWNS,' SECTION 2916, SO AS TO GIVE TOWNS, CITIES, AND MUNICIPALITIES POWER TO OPERATE AND MAINTAIN WATERWORKS, SEWERAGE SYSTEMS, AND OTHER PUBLIC UTILITIES," IN SO FAR AS IT RELATES TO THE CITY OF RALEIGH, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-six of the Public Laws of North Carolina, session one thousand nine hundred and eleven, in so far as it is applicable to the city of Raleigh, is hereby repealed. Law repealed as to Raleigh.

Sec. 2. This act is to be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 371.

AN ACT TO INCORPORATE THE PINEBLUFF GRADED SCHOOL DISTRICT.

Whereas the territory embraced within the boundaries described herein has already been established as a "special school-tax district" under section seventy-one of the general laws of the State, in effect at that time, and a majority of the qualified voters within said territory have voted a special school tax of not more than thirty (30) cents on each one hundred (100) dollars valuation of taxable property and ninety (90) cents on each poll for the maintenance of the public schools in said district; and whereas it is desired to make further provision for the local management of said schools: therefore, Preamble: territory special-tax district. Preamble: local management desired.

The General Assembly of North Carolina do enact:

Section 1. That all territory embraced within the corporate limits of the town of Pinebluff, Moore County, now constituting a special school tax district, within the corporate limits of said town, shall be known hereafter as the Pinebluff Graded School District. Pinebluff graded school district.

Sec. 2. That the said graded school district shall be governed by a board of three (3) trustees, who shall be qualified voters of the town of Pinebluff. They shall be elected by the people biennially, at the regular municipal election of town officers, on the Tuesday Board of trustees. Election.

after the first Monday in the month of May, and shall take office the first Monday in June following.

Organization.

Bond of treasurer.

Reports.

Sec. 3. That the trustees when elected and qualified shall organize and elect a chairman, secretary, and treasurer. The treasurer shall give bond satisfactory to the board of trustees, and his bond shall be liable for all the funds coming into his hands belonging to the Pinebluff Graded School District, in the same manner and to the same extent as is provided in the general laws relating to the bonds of treasurers of school funds. The said treasurer shall be required to make to the State Superintendent of Public Instruction, county superintendent, and county board of education such reports as are required of public schools by the public school laws of North Carolina.

Trustees incorporated.

Corporate name.

Corporate powers.

Property vested in trustees.

Sec. 4. That the said board of trustees and their successors in office shall be and are hereby constituted a "body corporate" by the name and style of the board of trustees of the Pinebluff Graded School District," and by that name may sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, receive bequests, donations, etc., and exercise such other rights and privileges as are conferred by law upon corporate bodies. That the title of all public school property now embraced in said "Pinebluff Special School District" shall vest in said board of trustees of the Pinebluff Graded School District, who shall have authority to dispose of the same if they deem best and apply the proceeds thereof to the schools in said district.

Control and management of schools.

Reports to county and State authorities.

Proviso: teachers subject to examination.

Sec. 5. That the said board of trustees shall have the control and management of all the schools in said district and may establish or discontinue such schools in said district when they may deem it necessary, and shall have full power to make rules and regulations for the government thereof, to employ and remove all officers and teachers and to fix their compensation. That the proper officers shall be required to make to the State Superintendent of Public Instruction, the county superintendent, and the county board of education, such reports as are required of public schools by the public school laws of North Carolina: *Provided further*, that the teachers in the said school district shall be subject to the provisions of the public school laws as to examination, certification and attendance on teachers' institutes.

Apportionment from general funds.

Special taxes.

Sec. 6. That all funds apportioned said district by the county board of education of Moore County from the State and county school fund shall within thirty (30) days after such apportionment be turned over by the county treasurer to the treasurer of the board of trustees of the Pinebluff Graded School District, and placed to the credit of said district. And further, that such funds as may be derived from the "special school tax" levied and collected by the authority of the qualified voters of Pinebluff, North Carolina, at an election legally held on November eighth, one thousand nine hundred and four, under the provisions of section

seventy-one of the general laws in effect at that date, amounting to not more than thirty (30) cents on one hundred dollars of taxable property and ninety (90) cents on each poll, shall be turned over monthly by the tax collector to the treasurer of the board of trustees and placed to the credit of said school district. That no money shall be paid out by the treasurer except by an order of the trustees signed by the chairman and secretary.

Orders for payment of funds.

Sec. 7. That not later than June thirtieth of each year the board of trustees shall certify to the board of town commissioners the amount of money necessary to raise by the "special school tax" (not exceeding thirty (30) cents on one hundred (100) dollars of taxable property and ninety (90) cents on each poll) in order to maintain an eight (8) months school within the school year.

Certificate of trustees for taxes.

Sec. 8. That all books adopted by the State Board of Education and studies prescribed by them for use in public schools shall be used in the schools of Pinebluff Graded School District and such additional studies as the board of trustees may deem for the best interests of the schools.

School books.

Additional studies.

Sec. 9. That the school and fiscal year of the Pinebluff Graded School District shall end on the thirty-first day of May of each year.

School and fiscal year.

Sec. 10. That any vacancy in the board of trustees shall be filled by the board of town commissioners when notified that a vacancy exists.

Vacancies filled by town commissioners.

Sec. 11. That the present government of the Pinebluff Special School-tax District shall continue as now constituted, until the board of trustees of the Pinebluff Graded School District provided for herein are duly elected and qualified.

Present government continued.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. That this act shall go into effect and be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 372.

AN ACT TO AMEND CHAPTER 273, PRIVATE LAWS OF 1909, RELATING TO THE DUNN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter two hundred and seventy-three, Private Laws of one thousand nine hundred and nine, be and the same is hereby stricken out, and that the following be substituted therefor, to wit:

Sec. 2. That the following named persons be and they are hereby appointed and continued trustees of said Dunn Graded School District, and shall hold their said offices until their successors are

Trustees named.

elected and qualified as hereinafter provided, to wit: R. G. Taylor, J. C. Clifford, G. F. Pope, A. F. Surles, T. C. Young, S. Cooper, K. L. Howard, and S. J. Hooks. That on the first Tuesday in January, one thousand nine hundred and fourteen, and quadrennially thereafter, the mayor and board of commissioners of the town of Dunn and board of trustees of said graded school shall meet jointly and elect by ballot two competent persons, qualified voters of said district, as successors to the first two trustees above named; that on the first Tuesday in January, one thousand nine hundred and fifteen, and quadrennially thereafter, said two boards shall likewise elect successors to the second named trustees, and so on in each succeeding year for each succeeding group of two, to the end that two trustees may be so elected every year to hold their office for a period of four years from election and until their successors are elected and qualified: *Provided*, that no trustee shall participate at any such joint meeting at which his own successor is to be elected: *Provided further*, that any vacancy in said board caused by death, resignation, or otherwise shall be filled for the remainder of his unexpired term by the remaining members of the school board."

Election of successors.

Terms of office.

Proviso: trustee not to vote on successor.

Proviso: vacancies.

Sec. 2. That all laws and clauses in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 373.

AN ACT TO AMEND CHAPTER 367 OF THE PRIVATE LAWS OF 1907, RELATIVE TO THE APPALACHIAN ELECTRIC POWER AND TRANSIT COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and thirty-seven of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: In line ten of section one strike out the word "five" after the word "have" and before the word "years" and insert in lieu thereof the word "ten."

Time for organization.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 374.

AN ACT TO ALLOW THE TOWN OF PILOT MOUNTAIN TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Election on bond issue authorized.

Section 1. The board of commissioners of the town of Pilot Mountain be and is hereby authorized and empowered to submit to a vote of the qualified voters of the town of Pilot Mountain, as and when the board of town commissioners may determine, the question as to whether or not the town of Pilot Mountain shall issue bonds, from time to time, in a sum not to exceed in the aggregate twenty thousand dollars ($20,000), with interest coupons attached, the proceeds of said bonds to be used for the purpose of building, repairing, and general street improvement in the town of Pilot Mountain, and a part of said funds arising from sale of said bonds, may or may not, as the said board of commissioners deem best, be used for building, paving, or repairing sidewalks, or used in lighting said town; said bonds bearing interest from date of issue thereof at a rate not exceeding five (5) per centum per annum, payable semiannually, with interest coupon bonds attached; said bonds and coupons payable at such time and place as may be deemed advisable by the board, and said bonds shall be voted upon from time to time in such denomination and in such proportions as the board of commissioners shall deem advisable: *Provided*, that at the first election held under this act, should a majority of the qualified voters of said town not vote for bond issue, or the board of county commissioners should not order an election for the full amount of the bonds, said board of commissioners may continue to call and hold elections in said town at any time they deem proper, until a majority of the qualified voters thereof shall vote for the bond issue, or until the full amount of the bonds herein authorized shall have been issued. The time for the payment of said bonds shall not be less than thirty years or more than forty years.

Amount.

Purpose of issue.

Interest.

Proviso: successive elections.

Maturity of bonds.

Law governing elections.

Sec. 2. That any election held under the provisions of this act shall be held, conducted, and results declared in the same manner and form as is now or may hereafter be prescribed by law for holding elections in the town of Pilot Mountain for the election of a mayor and town commissioners.

Ballots.

Sec. 3. That at said election the ballots tendered and cast by the qualified voters of said town shall have written or printed upon them, "For Street Improvement" or "Against Street Improvement," and all qualified electors who favor issuing the bonds shall vote "For Street Improvement," and all qualified electors opposed to the issuing of said bonds shall vote "Against Street Improvement."

Declaration and record of result.

Sec. 4. That in the event that a majority of the qualified voters of the town of Pilot Mountain shall at said election or elections vote for street improvement, the result shall be declared and recorded in the minutes of the board of town commissioners, and the board of town commissioners of the town of Pilot Mountain are hereby authorized and empowered to issue said bonds as described in section one hereof, and as soon as practicable they shall have said bonds prepared for issue and sale. Said bonds shall in no case be sold, exchanged, or otherwise disposed of for less than their face value, nor shall the proceeds derived from the sale of said bonds be used for any other purpose or purposes than those designated and declared in this act, and the said bonds and coupons shall not be subject to taxation by the town of Pilot Mountain: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the funds.

Issue of bonds.

Sale below par forbidden.

Specific appropriation.

Exemption from taxation.

Proviso: purchaser not responsible for application.

Proceeds of bonds paid to treasurer.

Sec. 5. That when any of said bonds are sold the proceeds of such sale shall be paid by the purchaser of said bonds to the treasurer of the town of Pilot Mountain. The treasurer, before any of the said funds are paid to him, shall be required by the board of commissioners to execute a justified bond in an amount that the board shall deem necessary for the protection, safe keeping and just rendering of said funds. Said bond to be payable to the town of Pilot Mountain and shall never be less than the amount of money in the hands of said treasurer.

Bond of treasurer.

Payment of interest.

Sec. 6. For the purpose of paying said coupons as they become due and for the further purposes hereinafter set out, the board of commissioners may use the money derived from the general taxation which is not needed for the other expenses of the town of Pilot Mountain, and it shall be the duty of the said commissioners and they are hereby empowered, should they find it necessary to do so, to levy and collect a sufficient special tax each year upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, said levy not to at any time exceed thirty cents on the hundred dollars valuation and ninety cents on the poll, which tax shall be levied and collected at the same time and in the same manner as the general town taxes are levied and collected.

Special tax.

Limit of rate.

Levy and collection.

Sinking fund.

Sec. 7. That at the end of twenty years from the issuing of said bonds the said board of commissioners shall set aside annually from taxes collected under section six (6), after paying interest on coupons, such amount as they may deem advisable as a sinking fund to pay off the principal of said bonds. That the amount set aside as a sinking fund shall be used or may be used by the board of town commissioners to buy up the outstanding bonds if they can be bought at a reasonable price which will be advantageous to the town, but if bonds cannot be purchased at a reasonable price, then said sinking fund shall be loaned by said commissioners in such sums and upon such length of time as they think best,

Purchase of bonds.

Investment of sinking fund.

taking therefor notes payable to the treasurer, secured by real estate mortgages or deed in trust bearing six per cent interest.

Lot owners to improve sidewalks.

Sec. 8. That for the purpose of carrying this act into effect, every owner of a lot, or person having as great interest therein as a three years lease, which fronts, adjoins, or is bounded by or on a street on which a sidewalk has been established or shall be established, shall improve said sidewalk fronting and adjoining said lot in such manner as the commissioners of the town shall direct, as far as it may extend along such lot, and on failure to comply with said directions of the said board of commissioners within ten days after notice by the street commissioner to the said owner, or, if he be a nonresident of the county of Surry, his agent, or if such nonresident has no agent in said county and personal notice cannot be served on him or his agent, then, after publication of notice in some newspaper published in the town of Pilot Mountain, or, in lieu thereof, by posting notice at the courthouse door in Surry County and three public places in the town of Pilot Mountain for thirty days by the street commissioner, the board of commissioners may cause the same to be repaired with brick, stone, or other material at their discretion, and the cost thereof, as charged by the board of town commissioners in their order directing sidewalks to be repaired, may be assessed upon the property of such delinquent and added to the taxes against him or her and collected in the same manner as other taxes, and, when collected, to be applied to the payment of the cost of or charges for fixing, repairing, or paving the said sidewalk.

Work done by town on default of owner.

Costs assessed on property.

Work done by contract.

Sec. 9. That if a majority of the qualified voters of the town of Pilot Mountain at any election held under this act shall vote "For Street Improvement," the result shall be recorded and declared as aforesaid, and bonds with coupons issued as aforesaid; and the board of commissioners of the town of Pilot Mountain shall have full and ample power to carry this act into effect by private contract, or contract to the lowest bidder, having a right to reject any and all bids; and if the said commissioners deem it best to grade, build, or improve streets or sidewalks or any other work authorized under this act, themselves, they shall have power to purchase any and all materials, stock, machinery, and employ labor necessary to carry into effect the provisions of this act; and all necessary expenses incurred by the commissioners by reason of this act shall be paid out of the funds arising under this act.

Work done by town.

Payment of expenses.

Sec. 10. This act shall be in force from and after its ratification.

Ratified this 7th day of March, A. D. 1913.

CHAPTER 375.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Provision repealed.

Section 1. That so much of chapter seventy-five of the Private Laws of one thousand nine hundred and eleven that provides that the councilman, elected at the regular city election of the city of Wilmington, who receives the greatest number of votes shall be the mayor of said city, is hereby repealed.

Councilmen and mayor.

Sec. 2. That the city of Wilmington shall be governed by a council of five, elected as is prescribed by chapter seventy-five of the Private Laws of one thousand nine hundred and eleven, and a mayor to be elected as hereinafter set forth.

Election of mayor.

Sec. 3. The mayor of the city of Wilmington shall be a qualified voter of the city of Wilmington and shall be nominated and elected at the same time and in the same manner as the councilmen of said city. All candidates for the office of mayor shall, at least ten days prior to the primary election, file with the chairman of the city board of elections a statement of like tenor and character as that required by a candidate for councilman of said city, together with a petition similar to that required for candidate for councilman, and the ballots used in said primary election shall have printed upon them the names of all candidates for mayor, and said ballots shall, in respect to said office of mayor, conform in every way to those required by said chapter seventy-five of the Private Laws of one thousand nine hundred and eleven, and the word "mayor" shall be printed, wherever necessary, on said ballots, so as to give the voter an opportunity to know for whom he is voting. Each elector shall be entitled to vote for two candidates for mayor in the primary election. The two candidates who receive the greatest number of votes for the nomination to the office of mayor shall have their names printed upon the ballot at the general municipal election, and shall be voted for in the same manner as a candidate for councilman: *Provided, however*, that should there be but one candidate for mayor, his name alone shall be placed upon the ballot at the general election: and *Provided further*, that should there be but two candidates for mayor at the primary election, then the names of both candidates shall be printed upon the ballots at the general municipal election. The candidate for mayor receiving the greater number of votes at the general municipal election shall be the duly elected mayor of the city of Wilmington. Before entering upon the discharge of the duties of mayor, he shall take and subscribe an oath that he will support the Constitution of the United States and the Constitution and laws of the State of North Carolina not inconsistent there-

Notice and petition of candidacy.

Ballots.

Ballots for general election.

Proviso: single or dual candidacy.

Candidate declared elected.

Mayor to qualify.

with, and that he will perform the duties of mayor of the city of Wilmington honestly and faithfully and to the best of his ability.

Mayor to give whole time to duties.

Sec. 4. Said mayor shall give his whole time to the duties of said office, shall preside at all meetings of the council, but shall have no vote except in case of a tie.

To preside over council and break ties.

Mayor pro tempore.

Sec. 5. At the first meeting of the council after the election of mayor as herein provided, the council shall elect one of its members a mayor *pro tempore*, who shall serve as mayor whenever the mayor shall be absent from the city or for any cause unable to perform the duties of mayor. Whenever there shall be a vacancy in the office of mayor the council shall fill the vacancy by electing one of its own members mayor for the unexpired term, or by electing any qualified voter of the city, and in the event of a vacancy caused by the election of one of the councilmen as mayor, the council shall fill the vacancy from the ward in which said councilman resides.

Election to fill vacancies.

Mayor subject to recall.

Sec. 6. Said mayor shall be subject to recall and removal as any member of the council. The procedure in case of recall and removal shall be the same as provided by law in case of recall of councilman.

Procedure.

Chief executive.

Sec. 7. The mayor shall be the chief executive officer of the city of Wilmington. He shall do and perform all duties provided or prescribed by law or by the ordinances of the city of Wilmington not expressly delegated to any other person. He shall be *ex officio* chairman of all departments of the city and shall have general supervision and oversight over the departments and officers of the city government, and shall be the chief representative of the city, and shall report to the council any failure on the part of the officers of his or any other department to perform their duties. He may suspend any officer or employee elected by the council, for failure to perform his or their duty, or for any other proper cause; but said officer or employee may appeal to the council, who shall hear the matters pertaining to said suspension, and said council shall, after a thorough investigation, render such decision therein as they in their discretion may see fit, and may reinstate said officer or employee. The mayor shall not vote in the event any employee or officer shall appeal to the council from his order of suspension.

Duties not expressly delegated.

Supervision and oversight of departments.

Chief representative of city.

Suspension of officers and employees.

Appeal to council.

Mayor to sign contracts.

Sec. 8. Said mayor shall sign all contracts on behalf of the city, unless otherwise provided by law or resolution or ordinance by the city council. He shall have charge of and cause to be printed and published all statements and reports required by law, ordinance, or resolution of the city council.

Statements and reports.

Assignment of duties.

Sec. 9. That so much of chapter seventy-five of the Private Laws of one thousand nine hundred and eleven which creates departments of the city and assigns powers, duties, and authority to them, be and the same is hereby repealed, but it shall be the duty of the council to determine what duties shall be performed by the

mayor, other than those herein prescribed, and any member of the council, and assign them to said mayor or councilmen.

Purchasing agent.

Sec. 10. The council shall designate the mayor or one of its members or any officer of the city as purchasing agent of the city, and all property, supplies, and material of every kind whatsoever shall be purchased only by him after an order from the city council; and in addition thereto, all printing of the city shall be in charge of and under the supervision of said purchasing agent, and no warrants for any purchase or printing shall be issued by said city unless the purchase or printing for which issued shall be approved by said purchasing agent.

Printing.

Warrants to be approved by purchasing agent.

Salary of councilmen.

Sec. 11. The salary of the councilmen of the city of Wilmington shall be six hundred dollars a year, payable in monthly installments of fifty dollars; and the salary of the mayor shall be not less than one thousand eight hundred dollars nor more than three thousand dollars per annum, payable monthly, to be fixed by the council: *Provided, however*, that the mayor shall have no vote in the fixing of said salary.

Salary of mayor.

Proviso: mayor not to vote.

Sections applicable to candidacy.

Sec. 12. That section sixteen (*a*) and (*b*) and section seventeen of chapter seventy-five, Private Laws one thousand nine hundred and eleven, shall apply to the candidate or candidates for mayor to the same extent as to candidates for councilman.

City board of elections.

Sec. 13. Amend section eighteen of chapter seventy-five of the Private Laws of one thousand nine hundred and eleven by striking out the words, "the city clerk and treasurer of the city of Wilmington," in lines three and four of said section, and inserting in lieu thereof the words, "the chairman of the board of elections of New Hanover County."

Petition for recall.

Sec. 14. Amend section thirty of chapter seventy-five of the Private Laws of one thousand nine hundred and eleven by striking out the words "thirty-five" in the third line of the second paragraph of said section, and inserting in lieu thereof the word "twenty-five," and also by striking out the word "primary" in line four of said paragraph and inserting in lieu thereof the word "municipal." Amend also said paragraph of section thirty by adding after the word "vote" and before the word "for," in line three of said paragraph, the word "cast."

Election day.

Sec. 14. Amend section fourteen of chapter seventy-five of the Private Laws of one thousand nine hundred and eleven by striking out the words "like day of" at the end of line five and beginning of line six of the second paragraph of said section fourteen, and inserting in lieu thereof the words "on the first Tuesday of May."

Sec. 15. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 16. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 376.

AN ACT TO INCORPORATE WAKE FOREST GRADED SCHOOL DISTRICT, WAKE FOREST TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That District Number One, Wake Forest Township, Wake County, North Carolina, which is described and bounded by and includes the territory lying within the following boundary lines, beginning at the point where Hatteras Branch intersects the Franklin County line; thence down said Hatteras Branch in a southerly direction to the Forestville Special-tax District in Wake Forest Township; thence with the line of the said Forestville District in a westerly direction to Richland Creek; thence down said Richland Creek in a southerly direction to the point where the southern boundary of Mrs. J. M. Crenshaw's land crosses the said Richland Creek; thence with the southern boundary line of Mrs. J. M. Crenshaw's land in a westerly direction to Horse Creek; thence up the said Horse Creek in a northerly direction to where the said Horse Creek intersects the Franklin County line; thence in an easterly direction with the said Franklin County line to the beginning, be and the same is hereby incorporated under the name and style of Wake Forest Graded School District, Wake County, North Carolina, and is hereafter to be known and styled as such. Boundary. Incorporation. Corporate name.

Sec. 2. Any person or persons whose lands are contiguous to the above described territory may be admitted into the said district with all privileges and be subject to the same taxes as those residing within the district as aforesaid in the same manner provided by section four thousand one hundred and fifteen, chapter ninety-five of the Revisal of one thousand nine hundred and five, and the acts of the General Assembly amendatory thereto providing for admission into special school-tax districts. Admission of contiguous territory.

Sec. 3. That the county board of education of Wake County, North Carolina, upon the ratification of this act, shall appoint a board of trustees for said district consisting of five members, who shall be resident freeholders of the said district, who shall hold their office, have the same powers and duties in regard to the schools of said districts, and be appointed thereto in like manner as district school committeemen are appointed by the said board of education under the general school law of North Carolina and the acts of the General Assembly amendatory thereto. Appointment of trustees.

Sec. 4. Any vacancy occurring in the said board of trustees from any cause, the successors to the said trustees shall be appointed by the board of education of Wake County in the same manner as in the case of district school committeemen. Vacancies.

Sec. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 377.

AN ACT TO INCORPORATE THE CITY OF DURHAM AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

Chapter I.

ORGANIZATION.

Incorporation.

Section 1. That the inhabitants of the city of Durham shall continue, as they have heretofore been, a body politic and corporate, under the name and style of "The City of Durham," and by that name shall have perpetual succession; may sue and be sued, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed to it, and may invest, sell, or dispose of the same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights, and privileges necessary for its proper government or usually appertaining to municipal corporations.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. The corporate limits of the city of Durham are as follows, to wit: The boundary lines of said city of Durham shall be in the shape of a parallelogram four thousand (4,000) yards long and three thousand (3,000) yards wide, the northern and southern boundary lines being of the length of four thousand (4,000) yards each, and running parallel with the center line of Main Street between Mangum Street and Dillard Street, and the eastern and western boundary lines being of the length of three thousand (3,000) yards each, and running at right angles with the northern and southern boundary lines; the distance from a stone eight (8) inches square set up at the point where a straight line running along the middle of Mangum Street intersects a straight line running along the middle of Main Street in the present city of Durham shall be as near as may be the geographical center of the city limits; that is to say, the city boundaries herein prescribed shall be so laid off that the distance from the aforesaid stone at the intersection of said Mangum Street and Main Street shall be two thousand (2,000) yards by a straight line to the nearest point on the eastern boundary line of said parallelogram, and the distance

from said stone shall be two thousand (2,000) yards by a straight line to the nearest point on the western boundary line of said parallelogram; and the distance from said stone shall be seventeen hundred and sixty (1,760) yards by a straight line to the nearest point on the northern boundary line, and the distance from said stone shall be twelve hundred and forty (1,240) yards by a straight line of said city of Durham to the nearest point on southern boundary line of said city of Durham.

Property and rights vested.

Sec. 3. That all property, real, personal, and mixed, of whatsoever character or description and wheresoever situate, now held, controlled, or used by the city of Durham for any purpose, or which may hereafter be held, controlled, or used by said city, or which may have been vested in said city by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens and causes of action of any kind in favor of said city of Durham shall vest in and remain and inure to the said city of Durham, its successors and assigns under this act.

Execution of corporate powers.

Sec. 4. That the corporate powers of the city of Durham shall be exerciesd as hereinafter provided by the board of commissioners and such other officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed.

Distribution of powers, authority, and duties.

Sec. 5. That the executive, administrative, and legislative powers, authority, and duties of and in the city of Durham are distributed into and among the several departments, and the powers and duties to be performed and assigned to the appropriate departments and officers, all as herein set forth.

Chapter II.

Board of Commissioners.

Commissioners.

Mayor.

Commissioner of public works.

Commissioner of public safety.

Commissioner of accounts and finance.

Sec. 6. The board of commissioners shall consist of three members, one of whom shall be mayor and all of whom shall be elected by vote of the people, as hereinafter provided. One of said commissioners shall be elected and known as the Commissioner of Public Works, one of said commissioners shall be elected and known as the Commissioner of Public Safety, and the mayor shall be known as the Commissioner of Public Accounts and Finances.

Mayor.

Chief executive officer.

Duties.

Supervision and oversight of departments.

Chief representative of city.

Reports of failure of duty.

Sec. 7. The mayor shall be chief executive officer of the city of Durham, and subject to the supervision of the board of commissioners, and shall perform all duties pertaining to such office. He shall do and perform all the duties provided or prescribed by law or by the ordinances of the city of Durham not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the city government, and shall be the chief representative of the city, and shall report to the board any failures on the part of any of the officers or agents or

employees of his or of any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the city, unless otherwise provided by law or ordinance or resolution of the board of commissioners; he shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

Execution of contracts.

Statements and reports.

COMMISSIONER OF PUBLIC ACCOUNTS AND FINANCES.

Purchasing agent.

Approval of bills.

Warrants.

Collector of taxes and water rents.

Licenses and permits.

Temporary supervision of other departments.

Control of officers and employees.

Charge and supervision of accounts and records.

Quarterly audits.

Methods of bookkeeping.

Annual audits.

Publication of quarterly statements.

Examination of accounts.

Reports of public-service corporations.

Sec. 8. The commissioner of public accounts and finances (who is also the mayor) shall be the purchasing agent of the board of commissioners of the city of Durham, and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and, when so purchased, the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued, they shall be signed by the said commissioner and countersigned by some other person to be designated by the board of commissioners; he shall be collector of all taxes; he shall collect water rents, in case said city may acquire and own its waterworks system; he shall issue all license or permits as provided by law, ordinance, or resolution adopted by the board of commissioners; and in the absence or inability of any commissioner to act, he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board to substitute some one else to temporarily perform any of such duties; he shall have control of all employees of his department, and of all other officers and employees not by law, ordinance, or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents, and departments required by law or the board of commissioners to be kept or made; he shall regularly at least once in three months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all departments, employees, and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert certified accountant, annually, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published quarterly statements showing the financial condition of the city; he shall examine or cause to be examined all accounts, pay-rolls and claims before they are acted on or allowed, unless otherwise provided by law or by order of the board of commissioners; he shall procure from all persons, firms, or corporations operating

public-service utilities in the city, and cause to be placed on file, such reports as are by law or ordinance or order of the board of commissioners required to be made by said public-service corporation to the city or any of its officers, and shall procure copies of such reports as are made to the State or any public department or office, and cause the same to be placed on file, and shall collect all license fees, franchise taxes, rentals and other moneys which may be due or become due to the city; he shall report the failure on the part of any person, firm, or corporation to pay money due the city; he shall report to the board of commissioners any failure on the part of any person, firm, or corporation to make such reports as are required by law, ordinance, or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper; he shall, unless otherwise provided by the board of commissioners, cause to be examined the accounts and records of any person, firm, or corporation operating a public-service utility in the city, whenever such person, firm, or corporation is required to submit its accounts to the city for examination, and shall report to the board of commissioners any refusal on the part of any such person, firm, or corporation to submit to such examination; the assessor, auditor, city clerk, city attorney, and their respective officers of departments and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the department of public accounts and finances, and shall be under the direction and supervision of the commissioner thereof; he shall do and perform any and all other services ordered by the board or that may be ordered by the board, not herein expressly conferred upon some other department.

Copies of report to State.

Collections.

Reports of failures in payments or reports.

Recommendations.

Examination of public-service utilities.

Officers assigned to department.

Other services.

COMMISSIONER OF PUBLIC WORKS.

Sec. 9. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department, the construction, cleansing, sprinkling, and repair of the streets and public places, the erection of buildings for the city, the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the city engineer, of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvements made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance, or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways, and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, cemeteries, and control of the placing of billboards and street waste-paper

Duties of commissioner of public works.

Approval of estimates.

Acceptance of work.

Control of public grounds and buildings.

Enforcement of laws and ordinances.

Supervision of public-service utilities.

receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department, and all persons, firms, or corporations rendering services in the city under any franchise, contract, or grant made by the city or State, not

Location of tracks and wires.

otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public-service corporations in,

Reports of failure to render service.

along, under, or over the streets, and shall report to the board of commissioners or city officers as may be appointed by them to receive his reports any failure of such person or corporation to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm, or corporation to observe the requirements or conditions of

Charge of watershed and waterworks.

such franchise, contract, or grant. In the event the city shall acquire and own its own waterworks system, he shall have charge of the watersheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water

Rights of way and easements.

for the city of Durham; it shall be his duty to act for the city, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water for the city; he shall have supervision and control of all buildings, grounds, and apparatus connected there-

Water tanks and water lines.

with and incident to the furnishing water for the city; he shall superintend the erection of water tanks and laying of water lines

Officers assigned to department.

and the operation thereof. The department of the civil engineer and all employees therein, the department of streets, parks, cemeteries, buildings, and all employees in said departments, shall be under the supervision and control of the commissioner of public

Streets, cemeteries, and parks.

works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition, the streets, cemeteries, and public parks in the city of Durham, or belonging to said city, subject to the supervision and control of the board of

Other services.

commissioners; he shall do and perform all other services ordered by the board or that may be ordered by the board, not herein expressly conferred upon some other department.

COMMISSIONER OF PUBLIC SAFETY.

Commissioner of public safety.

Sec. 10. The commissioner of public safety shall have charge of

Charge of police force.

the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon all such officers, employees, subject only to the con-

Police stations, jails, and apparatus.

trol of the board of commissioners; he shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance and patrol wagons used in connec-

tion with his department; he shall have supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers and employees therein or connected therewith; he shall have power to temporarily suspend the chief of the fire department, and his orders to said department and all employees therein shall be binding upon said department; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market house, and the employees connected therewith, and of all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys and public ways, on and across railway lines, and through and over the cemetery ways, public parks and other public places; he shall, subject to the supervision of the board of commissioners, have control of the laws, ordinances, and orders relating to the public health and sanitation, and all health officers, employees of the city connected with and under his department, and it shall be the duty of the board of commissioners to pass such ordinances and prescribe such rules and regulations and employ such persons as will be necessary to preserve and protect public health; he shall have control and supervision, through the health officer under his department, over public dumping grounds and dumps and city scavenger; he shall be charged, through his department, with the enforcement of all quarantine regulations, of keeping clean all streets, alleys, and public places, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety; he shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the control of the board of commissioners, that may be necessary and expedient for the promotion of the health and suppression of disease. He shall have control and supervision over the sewer system in the city of Durham; he shall have charge of and control over the sewer inspector and all other officers and employees connected with the department of lights and sewers; he shall have supervision and control over the lighting system of the city of Durham, and the management and direction of the lighting of the streets, alleys, and all other public places and grounds, and all other places where city lights are placed; he shall be charged with the duty of seeing that all persons, firms, corporations charged with the duty of supplying lights or water power perform the obligations imposed upon them by law, ordinance, or order of the board of commissioners; he shall have the direction of all employees of the city connected with and under his department; he shall perform all other services

Control of fire department.

Charge of inspections.

Direction of officers and employees.

Enforcement of traffic regulations.

Control of public health and sanitation and health officers.

Dumping grounds and scavenger.

Quarantine regulations.

Street cleaning.

Entry on private premises.

Abatement of nuisances.

Sewers and lights.

Supervision of light and water-power companies.

Direction of employees.

Other services.

ordered by the board of commissioners or that may be ordered by the board, not herein expressly conferred upon some other department.

Recommendation for purchases.

Sec. 11. It shall be the duty of each commissioner to recommend to the city purchasing agent the purchase of goods, and the contracts of all bills necessary to be contracted for his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto.

Examination of public-service companies.

Sec. 12. The board of commissioners shall have the power to require all public-service corporations, and all people doing a public-service business in the city of Durham, to make such reports and have a right to the inspection of such books and papers as the North Carolina Corporation Commission has the right to require and inspect under the laws now enacted or which may be enacted, with reference to public-service corporations doing business in the city of Durham.

Legislative powers.

Sec. 13. The board of commissioners has and shall exercise all legislative powers, functions, and duties conferred upon the city or its officers. It shall make all orders for the doing of work or the making or construction of any improvements, bridges, or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls, and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvements, or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contracts shall be binding or obligatory upon the city unless either made by ordinance or resolution adopted by the board of commissioners, or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts shall be drawn by the city attorney, or submitted to such officer before the same is made or passed. All heads of departments, agents and employees, are the agents of the board of commissioners only, and all their acts shall be subject to review, and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners, in writing, respecting the business of his department, or office, or employment, all matters connected therewith. The board of commissioners may by ordinance or resolution assign to a head of a department, a superintendent, officer, agent, or employee, duties in respect to the business of any other department, office, or employment; and such services shall be rendered without additional compensation. The board of commissioners shall elect and have

Orders for work and improvements.

Powers in dealings with finances of city.

Assessments for improvements.

Contracts.

Contracts and ordinances drawn by city attorney.

Agents of board.

Acts subject to review.

Reports to board.

Assignments of duty by board.

City clerk.

authority over the city clerk, who shall be the clerk of the board of commissioners.

Officers and employees of each department.

Sec. 14. All officers and employees of each department shall be under the control and supervision of the commissioner of that department, subject to the ultimate control of the board. That for any reason, satisfactory to himself, a commissioner of any department is hereby empowered to suspend, remove, or discharge any subordinate officer or employee in his department: *Provided*, that any officer or employee elected by the board of commissioners shall have the right, at any time within three days from the time of such ruling, to appeal from the same to the board of commissioners, who shall hear the same at their first regular meeting after such appeal is taken, and may affirm or reverse such commissioner. If the ruling of the commissioner be reversed, said officer or employee shall at once be reinstated in his office or employment: *Provided further*, the party so suspended, removed, or discharged shall have no claim against the city for the time lost by reason of such ruling of the commissioner.

Commissioner may suspend, remove, or discharge subordinates.

Proviso: appeal to board.

Proviso: no claim for lost time.

Audit of books and accounts.

Sec. 15. The board of commissioners shall cause to be audited the books and accounts of all departments, and of all officers and employees who do or may receive or disburse money.

Public health.

Sec. 16. The board of commissioners shall have charge of all matters pertaining to the public health, and shall perform all duties belonging thereto.

Exclusive employment.

Sec. 17. That each member of the board of commissioners shall devote his time and attention to the performance of the public duties to the exclusion of all other occupations, professions, or callings.

Limitation of power to contract debt.

Sec. 18. That the board of commissioners for the city of Durham shall not have power to create or contract any indebtedness for necessary purposes in any amount which cannot be paid off and discharged out of the current revenues to accrue during the term of office of said board, unless such authority is authorized by a majority of those voting at any election to be held, submitting such question to the voters of the city of Durham, which said election is to be provided in the manner provided by this act, referring to the voters the question of repeal of any ordinance. At such election those favoring the contracting of such debt may vote "For Contracting Debt," and those opposing such may vote "Against Contracting Debt." The question of contracting debt may be submitted by the board of commissioners to the qualified voters of the city of Durham at a special or a general election, and at such election a box shall be provided in which only the votes for and against the contraction of such debt shall be placed. The election shall be held under rules and regulations to be prescribed by the board of commissioners, except such regulations shall not be in conflict with this act; and the purposes for which said debt is to be contracted shall be declared and made a matter of record by the

Election.

Votes.

Special or general election.

Ballot boxes.

Law governing election.

Declaration and record of purpose.

Advertisement of election.

Election officers.

Certificate and record of result.

Effect of election.

board of commissioners. Such election and the purpose for which such debt is desired to be contracted shall be advertised by the board of commissioners in some daily newspaper published in the city of Durham for at least ten days immediately prior to the holding of such election, and the officers to hold such election shall be appointed and shall act as is provided for other city elections; and the result of the election shall be certified by the election officers to the board of commissioners as is provided for the certification of the result of other elections, and such result shall be entered upon the records of the board of commissioners; and if a majority of those voting favor the contracting of such debt, the said board of commissioners is hereby authorized to contract the same to the amount authorized, or any part thereof.

Chapter III.

HEALTH AND SANITATION.

Powers as to health and sanitation.

Establishment and maintenance of curative and preventive institutions.

Quarantine.

Vaccination.

Destruction of infected property.

Recovery of expense.

Interference with officers misdemeanor.

Sec. 19. The board of commissioners are hereby given, within the city limits, all the power and authority that is now or may hereafter be given by law to the county superintendent of health or county physician, and such further powers and authority as will best preserve the health of the citizens. The board of commissioners is hereby given power to make such rules and regulations, not inconsistent with the Constitution and laws of the State, for the preservation of the health of the inhabitants of the city, as to them may seem right and proper. Said board of commissioners may establish and maintain or contribute to hospital or hospitals, or pesthouses, slaughter-houses, rendering plants, incinerators, and crematories in the city of Durham, or within three miles thereof; may stop, detain, examine or keep in a pesthouse or houses of detention persons having or suspected of having any infectious, contagious, or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liabilities to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other property which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease and to better preserve the health of the citizens; and all expenses incurred by the city in disinfecting or caring for any person or persons by authority of this section may be recovered by it from the person, persons, or property cared for, and when expense is incurred in caring for property, same shall become a lien on said property. That any person who shall attempt by force or by threats of violence to prevent his removal or that of any other person to the pesthouse, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this chapter, shall

be guilty of a misdemeanor. Said board of commissioners may elect a health officer and create such other offices and employments as to them may seem right and proper, and fill the same and fix their compensation, unless other provision be made by the present or some subsequent session of the General Assembly. Health officer and other employees.

Sec. 20. Said board are hereby empowered to make rules and regulations for the management and conduct of all hospital and sanitariums which may have for treatment any patient afflicted with any infectious, contagious, or other communicable disease, and prescribe penalties for any violation of same. Any person violating any rule or regulation of said board of commissioners shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days. Regulation of hospitals and sanatoriums. Violation of rules misdemeanor. Punishment.

Chapter IV.

public schools.

Sec. 21. The board of commissioners shall be and are hereby charged and invested with the duty now conferred by law upon the board of aldermen of the city of Durham to elect members of the board of education of the city of Durham. Election of board of education.

Sec. 22. That the board of commissioners shall annually, at the time other taxes are levied, levy a tax for school purposes of twenty (20) cents on the hundred dollars of property assessed for taxation in Durham and sixty (60) cents on each taxable poll, which amount shall be collected as other taxes, and deposited with the city treasurer as other city funds, and the same shall be kept exclusively for school purposes, and a separate account thereof shall be kept by the tax collector and the city treasurer: *Provided*, that if the tax levied and collected for school purposes should, in the opinion of the board of commissioners, prove to be more than is sufficient to provide for adequate system of public schools, and more than is necessary to accumulate a sufficient fund to meet the demands for public school buildings, then and in that event the said board may cover any excess of such fund into the general funds of the city of Durham. School tax. Separate accounts. Proviso: excess to general fund.

Chapter V.

public libraries.

Sec. 23. The public libraries of the city of Durham shall be conducted as at present, as provided by the State library law, ratified on the ninth day of March, one thousand eight hundred and ninety-seven, and the commissioners of the city of Durham shall appoint the board of managers in the manner and for the term provided by said State library law. Conduct of libraries. Appointment of managers.

Chapter VI.

powers specifically enumerated.

Additional powers.

Sec. 24. The board of commissioners of the city of Durham shall, in addition to the other powers herein given them, have full power:

Termination of forfeited franchises.

(*a*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, telegraph, gas, power, water supply, or other public purposes, whenever the conditions upon which such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered, or forfeited.

Taxing powers.

(*b*) To assess, levy, and collect taxes.

Regulation of trades, occupations and professions.

(*c*) To license, tax, and regulate trades, occupations, and professions.

Regulation of use of streets and public property.

(*d*) To open new streets, change, widen, extend, and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and parks and other public property belonging to the city as it may deem best for the public welfare of the citizens of said city.

Parks.

(*e*) To acquire, purchase, condemn, lay out, establish, and regulate parks within or without corporate limits of the city for the use of the inhabitants of the same.

Condemnation of land for buildings.

(*f*) To condemn any land that may be required for the purpose of erecting any building or buildings, for city hall, market houses, fire companies, graded and public schools, and for any other public buildings, whether like those enumerated above or not: *Provided*, that the procedure in such condemnation proceedings shall be the same as is herein provided for the condemnation of land for streets.

Proviso: procedure for condemnation.

Public buildings.

(*g*) To erect, repair, and alter all public buildings.

Donations for public uses.

(*h*) To accept any money or property for the purpose of any public or corporate use.

Animals and fowls going at large.

(*i*) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowl of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said board, and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Regulation of plumbers.

(*j*) To regulate and control plumbers and plumbing work and to enforce efficiency in the same.

Explosives and other dangerous materials.

(*k*) To regulate, control, and prohibit the keeping and management of houses or any buildings for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and

to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas. Oil and gas.

(*l*) To license, tax, regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosives or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity, or otherwise. Use and sale of explosives and fireworks. Noise and amusement ordinances. Crowds on streets.

(*m*) To direct, control, and prohibit the laying of railroad tracks, turnouts, and switches in the streets, avenues, and alleys of the city unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts, and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues, and alleys in said city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys and ditches, sewers and culverts, where the board of commissioners shall deem it necessary, and to direct the use and regulate the speed of locomotive engines, trains, and cars within said city, and to prohibit, control, and regulate the storage and shifting of trains and cars in said city. Railroad tracks in streets. Regulations of trains and cars.

(*n*) To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the speed, running, and operation of the same so as to prevent injury or inconvenience to the public, and from time to time prescribe reasonable fares and transfers for the carriage of passengers. Street cars. Fares and transfers.

(*o*) To make such rules and regulations in relation to butchers as they may deem necessary and proper, to establish and erect market houses, and designate, control, and regulate market places and privileges. Regulation of butchers and markets.

(*p*) To prohibit and punish the abuse of animals. Abuse of animals.

(*q*) To establish and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages, and births. Cemeteries and burial regulations.

(*r*) To prohibit prize-fighting, cock- and dog-fighting. Prize-, cock-, and dog-fighting.

(*s*) To license, tax, regulate, restrict, and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen and shows of any kind and the exhibition of natural or artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances. Regulation of shows and exhibitions.

(*t*) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund Pension funds for police and fire departments.

and provide for its permanence and increase, and to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for the purpose of such relief.

Condemnation of property for public uses.

(*u*) To pass ordinances for the condemnation of property for the purpose of widening, altering, changing, or extending any of the streets of the city and for opening new streets and for the construction and maintenance of drains, sewers, and combination drains and sewers, and for any other public purpose provided for in this act.

Definition and abatement of nuisances.

(*v*) To define nuisances and prevent and abate the same, whether on public or private property.

Issuance of bonds when voted for.

(*w*) To issue bonds of the city only after they shall have passed an ordinance by a majority vote of the entire board at two separate regular meetings submitting the question of issuing the same to a vote of the people, and after a majority of the qualified registered voters shall have voted in favor thereof. No election for this purpose shall be held until thirty days notice thereof shall have been given by the board of commissioners in some newspaper published in the city of Durham. At such election those who favor creating such debt shall vote "Approved," and those who oppose it shall vote "Not Approved." The board of commissioners, if they deem it proper to do so, may order a new registration of the voters of said city at any and all such elections.

Notice of election.

Votes.

New registration.

Rates of public-service corporations.

(*x*) That upon any reasonable complaint from a responsible party that the rates charged by any public-service corporation are unreasonable, the board of commissioners shall carefully investigate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation, the said board shall enter upon its record an order directing the corporation to charge not exceeding such maximum rates as the board may deem proper. The board shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the record in the entire matter. As soon as practicable after the receipt the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing, the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the board of commissioners shall not become effective until approved by the Corporation Commission as aforesaid.

Record to corporation commission.

Hearing by corporation commission.

Decision by corporation commission.

Right of appeal.

Location of hospitals.

(*y*) To fix the location of hospitals in which contagious, infectious, or other communicable diseases are to be treated.

(*z*) To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health. Regulation of dangerous and unwholesome business.

(*aa*) To make and provide for the execution thereof of such ordinances, rules and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government and general welfare of the inhabitants of the city as are not inconsistent with this act and the Constitution and laws of the State. General welfare.

(*bb*) To elect all officers and select all employees of the various departments whose selection is not herein expressly provided for: *Provided, however*, that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of commissioners to the commissioners of the respective departments, subject to the right of the board to review the action of the respective commissioners: *Provided further*, the compensation of all employees shall be fixed by the board of commissioners, and all fees shall be covered into the treasury. Election of officers and employees. Proviso: selection by commissioners of departments. Proviso: compensation.

(*cc*) To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health, or other property, under such just rules and regulations as they may by ordinance establish, and likewise to suppress any and all other nuisances maintained in the city. Unsafe buildings.

Sec. 25. That all ordinances, rules and regulations of the city of Durham now enforced, or that may hereafter be enacted by the board of commissioners in the exercise of the police powers given to it for sanitary purposes or for the protection of the property of the city, unless otherwise provided by the board of commissioners, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of said city limits, within one mile in all directions of same, and to the right of way of all water, sewer, and electric light lines in the city, without the corporate limits, and of the rights of way without the city limits, of any street railway company or extension thereof operating under a franchise granted by the city, and upon all property and rights of way of the city outside the said corporate limits and the above mentioned territorial limits, wheresoever the same may be located. Application of ordinances.

Chapter VII.

Granting of franchises.

Sec. 26. Franchises shall be granted by said board of commissioners only upon petition filed by the person, firm, or corporation desiring such franchise, which petition shall set forth the terms of said proposed franchise and the purposes for which it is sought; and the board of commissioners shall not take final action on said petition in less than thirty (30) days after the filing thereof, and until notice thereof shall have been published in some newspaper Petition for franchise. Publication of notice.

of the city of Durham at least thirty (30) days, stating the time when the final hearing of said petition shall be had, the expense of said publication to be paid in advance by the petitioner. Every grant of any franchise or right, as hereinbefore provided, shall make provision by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant and to secure efficiency of public service at reasonable rates and the maintenance of the property in good condition throughout the full term of the grant; and when the grant of any franchise or right is made, the city shall not part with the power to expressly reserve the right and duty at all times to exercise, in the interest of the public, full superintendence, regulation, and control, in respect to all matters connected with the police powers of said city; and before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance with all the terms and conditions that may be right and proper, including a provision for fixing a rate, fares, and charges to be made, if the grant provide for the charging of a rate, fares, and charges: *Provided*, that this act shall not affect any rights, privileges, and franchises herebefore legally granted by the city to any person, firm or corporation: and *Provided further*, that any and all rights, privileges, and franchises that have been herebefore or that may be hereafter granted to or held by any person, firm, or corporation, in the streets, alleys, sidewalks, public grounds or places in said city shall be subject to a tax by said city in such amount as the board of commissioners may think to be just, separate from and in addition to the other assets of such person, firm, or corporation, and in addition to a license tax, and the board of commissioners may require the rendition and assessment thereof accordingly.

Provision for forfeiture.

Reservation of right of regulation and control.

Ordinance of grant.

Provision fixing charges.

Proviso: franchises heretofore granted.

Proviso: tax on franchise.

Chapter VIII.

the initiative and referendum.

Petition for passage of ordinance.

Sec. 27. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal to the number provided herein for recall of any official. The signatures, verifications, authentications, inspections, certification, amendments, and submission of such petition shall be the same as provided for petition for the removal of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of electors, and contains a request that the said ordinance be passed or submitted to a vote of the people, if not passed by the board of commissioners, such board shall either—

Action of board.

Passage of ordinance.

(*a*) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition; or,

(*b*) After the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of commissioners shall forthwith submit the question to the qualified voters at a special election called for that purpose, or to a general election occurring within ninety days after the date of the clerk's certificate. If the petition is signed by not less than ten and less than twenty-five per cent of the electors, as above defined, then the board of commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance). If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose. The board of commissioners may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should any such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city shall cause such ordinance or proposition to be published once in each of the city daily newspapers published in said city; such publications to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on. No ordinance passed by the board of commissioners, unless otherwise expressly provided, except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the board of commissioners, shall go into effect before twenty days from the time of its final passage and publication in the daily papers then published in Durham; and if during said twenty days a petition, signed by electors of the said city equal to the number prescribed herein to be signed to a petition for the recall of any official, protesting against the passage of such ordinance, be presented to the board of commissioners, the operation of such ordinance shall thereupon be suspended, and it shall be the duty of the board of commissioners to consider such ordinance, and if the same is not entirely repealed, the board of commissioners shall submit to the qualified voters the question of the

Election for consideration of ordinance.

Petition by ten per cent of voters.

Ballots.

Ordinance effective on receiving majority of vote cast.

Repealed or amended only by popular vote.

Votes on several ordinances.

Election for repeal of ordinance.

Publication of proposed ordinance.

When ordinances effective.

Suspension of ordinance by petition of protest.

Repeal of or election on ordinance.

repeal of such ordinance at an election to be held for that purpose in the manner and under the conditions herein provided for reference to voters of the question of recall of an official.

Chapter X.

elections.

City elections.

Sec. 28. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and every two years thereafter, be elected a mayor (who shall also be a commissioner of public accounts and finances), a commissioner of public works, a commissioner of the department of public safety, who together shall constitute the board of commissioners of the city of Durham, and such other elective officers as may be provided by law. Such election shall be conducted in all things as are elections for mayor and aldermen under the present law.

Law governing elections.

Notice of candidacy.

Sec. 29. All candidates for the offices created by this act must file notice with the city clerk at least five days preceding any election, and the city clerk shall cause ballots to be printed for the municipal election, authenticated with a facsimile of his signature.

Printing of ballots.

Arrangement of ballots.

Upon the said ballots the names of the said candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments, respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words, "Vote for one," with a square at the left of each name, and immediately below the words, "Vote for one," and likewise arranged in alphabetical order shall appear the names of the candidates for such other elective offices as may be provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed:

Heading.

"Candidates for election for mayor and commissioners of the two departments, of the city of Durham, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Form.

"Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions."

"Official Municipal Ballot, Candidates for Mayor and Commissioners of the City of Durham, North Carolina, at the Municipal Election.

"For Mayor (names of candidates), (vote for one).

"For Commissioner of the Department of Public Safety (names of candidates), (vote for one).

"For Commissioner of the Department of Public Works (names of candidates), (vote for one).

"Official Ballot—attest: (Signature) ....., City Clerk."

Persons entitled to vote.

Sec. 30. That all persons entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding section, and who have been residents of the city and precinct in which they offer to vote for four months next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor, two commissioners, and other elective officers; and no one except a resident of the city shall be eligible to any office in the corporation.

Residents only eligible.

Qualifications of voters.

Sec. 31. That the provisions made or hereafter made by the General Assembly which may be in force at the time of any city election, for testing the qualification and right of any person to vote, shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby invested with full and ample judicial power to pass upon and decide said qualifications.

Precincts.

Sec. 32. That the board of commissioners shall divide the city into eight precincts, which number may be increased or decreased at any time the board may in its discretion deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in each precinct a polling place as nearly centrally located in the precinct as possible. If any registered voter shall remove from one precinct to another within the four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved.

Polling places.

Removal from precinct.

Appointment of election officers.

Sec. 33. That the board of commissioners shall on the first Monday in March, one thousand nine hundred and fifteen, and every two years thereafter, appoint a registrar and two judges of election for each precinct in the city, all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the courthouse door, and notice to be served upon such appointees by the chief of police, and shall give ten days notice of a registration of voters for the said election at the courthouse door, specifying the time, place, and name of registrars for said election.

Notice of appointments and for registration.

Registration books.

Sec. 34. That each registrar shall be furnished by said board of commissioners with registration books, and it shall be his duty, after being qualified, to perform the functions of his office fairly, impartially, and according to law; to revise the existing registration books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct and still residing therein and entitled to vote, without requiring such electors to be registered anew; and such registrar shall, also, between the hours of seven o'clock a. m. and sunset (Sunday excepted), from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing in such city and entitled to registration, whose names do not

Revision of existing registration.

Time for registration.

appear in the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said city. Each registrar shall be required to be at the polling place for his precinct on Saturdays from seven a. m. until sunset during the period for registration. He shall keep the names of white voters separate and apart from those of the colored voters, and any person offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina two years, in Durham County six months, and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city. If any person willfully swear falsely in taking such oaths, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail. But the board of commissioners, on fifteen days notice by publication in some newspaper of said city, before opening the books, may order an entirely new registration of voters whenever they may deem it proper. The registration books shall be closed at sundown on the second Saturday before the election, and after the same are closed no person shall be allowed to register, except those coming of age after the books close and before or on election day, who are otherwise qualified electors of the city; and the books shall then be placed in the office of the city clerk, and may be inspected by any person so desiring, and the clerk shall mark the day on which they were received by him, and they shall not be taken from his custody until the day of election. Any registrar failing to deposit his registration book with the clerk at the time prescribed shall receive no compensation for making said registration, and shall be guilty of a misdemeanor.

Registration on Saturdays.

Segregation of races.

Oath of voters.

False swearing misdemeanor.

Punishment.

New registration.

Close of registration books.

Registration after closure.

Deposit of books.

Penalty for failure to deposit books.

Misdemeanor.

Conduct of election.

Sec. 35. That after being duly sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law, the registrars and judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of election and all questions of voting, superintend and conduct the election for municipal offices in like manner and during the same hours as elections for members of the General Assembly are conducted. The polls shall be open on the day of election from seven a. m. until sunset, and no longer.

Hours of election.

Pay of registrars and judges.

Sec. 36. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the board of commissioners, but the pay of the registrars shall not exceed two dollars ($2) each a day for the Saturdays they are required to be at the polls, and the day of election, and two cents additional for each new name registered; and the judges of election shall not be paid more than two dollars ($2) each a day for their

services: *Provided*, the board of commissioners may allow the registrars and judges compensation, not exceeding one day's pay, as they may deem proper, for attendance of the election officers upon the meeting of the board of canvassers. Proviso: pay as board of canvassers.

Sec. 37. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him, after being duly sworn, or if a vacancy should occur in said office for any reason, then the mayor shall appoint to fill the vacancy. Vacancies filled.

Sec. 38. That on the day following the day of election all of the registrars and poll-holders of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and such person as shall receive the highest number of votes for each of the positions of commissioner shall be declared elected commissioner of the respective departments, and such person as shall receive the highest number of votes for mayor shall be declared elected mayor, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the name of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be given to the mayor and the other filed in the archives of the city clerk, who the same day shall publish the result of the election at the door of the city hall. Canvassing board. Organization. Persons declared elected. Certificate and publication of result.

Sec. 39. If of the persons voted for as mayor, commissioners of the respective departments, or any other elective office, there shall be an equal number of votes between any two candidates for like office in the municipal election in the city of Durham, in such case there shall be held on the following Tuesday an election, in accordance to the provisions herein provided for holding a municipal election for the city of Durham. Election for settlement of ties.

Sec. 40. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city and of him who shall sue therefor, one hundred dollars. Forfeit on commissioners for failure of duty.

Sec. 41. That if any person elected mayor, commissioner, or any other elective officer shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or other commissioner, or any other elective officer, be Vacancies filled by commissioners.

unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term, or during his disability, as the case may be, to act as mayor, commissioner, or other elective officer, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Subject to recall.

Call of special elections.

Sec. 42. The board of commissioners shall have power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose as herein provided, or for any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, or unless expressly provided to the contrary. That all special elections shall be held under the same rules and conditions as are herein provided in this act for general elections.

Notice of elections.

Law governing elections.

Challenges.

Sec. 43. Any registered voter of the said city may at any time, before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct, and the book shall be kept open at the polling place on the second Saturday before every election for inspection by the voters of the precinct. When a person is challenged, the registrar shall enter upon his books, opposite the name of the person objected to, the word "Challenged," and the person so challenged shall not be allowed to vote until the cause of challenge shall be heard and determined, under the rules and regulations prescribed by the general law regulating the election for members of the General Assembly. As soon as any person is challenged, the registrar shall give notice in person or by mail of the same to the person so challenged. All challenges shall be heard and determined on the day of election by the registrar and judges.

Books open for inspection.

Notice to persons challenged.

Determination of challenges.

Terms of office.

Sec. 44. That the mayor and commissioners, and all other elective officers, shall hold their offices respectively until the next ensuing election, and until their respective successors shall be elected and qualified.

Duties discharged by mayor and aldermen.

Sec. 45. That all duties herein imposed upon the mayor and board of commissioners, with reference to primaries and elections, shall, prior to the election and qualification of mayor and commissioners in one thousand nine hundred and thirteen, be performed by the mayor and board of aldermen of the city of Durham as now constituted.

Removal from jurisdiction creates vacancy.

Sec. 46. In the case of the removal of the mayor, any commissioner, or any elective officer, from the territorial limits of said city, such removal shall, *ipso facto*, create a vacancy in his office.

Chapter XI.

to prohibit bribery.

Sec. 47. Any person giving or receiving, or any person promising to give or receive, any money, property, or thing of value to secure the vote or influence any person in any primary or general election, and any person promising to give or secure or promising to use his influence to secure any place or position under the city government of Durham, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the city government of Durham, shall be guilty of a misdemeanor, and shall be fined or imprisoned, in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above prescribed shall upon conviction be ineligible to hold any office under the government of the city of Durham.

Giving or receiving bribes forbidden.

Promise of influence or vote forbidden.

Misdemeanor.

Punishment.

Candidate ineligible.

Sec. 48. Every candidate in the city election, a city primary, or both, shall within ten days from the election file with the city clerk an itemized statement, under oath, showing all expenditures of money or other things of value made by him, or by any one for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Return of expenses under oath.

Failure misdemeanor.

Punishment.

Chapter XII.

recall of officials by the people.

Sec. 49. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine, and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach

Holder of elective office subject to removal.

Procedure for removal.

Petition for election of successor.

Signatures.

Verification of petition.

Examination and certification of petition.

Amendment of petition.

Examination of amended petition.

Return if insufficient.

Petition submitted to commissioners.

Order for primary if petition sufficient.

Date for primary.

Candidate receiving majority declared elected.

Further election if no majority.

Law governing primaries.

Notice of election.

Term of officer elected.

Candidacy of person whose removal is sought.

Incumbent, removal from office.

Vacancy filled by commissioners.

Commissioner removed not eligible.
Person elected subject to recall.
Incumbent continued in office.
Removal cumulative.

Recall of successor.

to said petition his certificate showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay. If the petition shall be found to be sufficient, the board of commissioners shall order and fix a date for holding a primary, as provided for in cases preceding regular elections, the said primary to be held not less than ten days or more than twenty days from the date of the clerk's certificate to the board of commissioners that a sufficient petition is filed. If in the primary election any candidate received a majority of all the votes cast, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary, and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates named shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions, and regulations as are prescribed for the primaries preceding regular election. The board of commissioners shall make or cause to be made publication for ten days of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall be filled by election of the board, but the commissioner removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other commissioners. If the incumbent receives a majority of votes in the primary or the election, he shall continue in office. The said method of removal shall be cumulative and additional to any other method provided by law. That in the event any officer is recalled and any person

is elected as his successor, that the right of recall of such successor so elected shall be as in case of officer originally elected.

Chapter XIII.

SALARIES.

Offices in city hall.

Compensation of mayor and commissioners.

Salaries fixed by commissioners.

Sec. 50. The mayor and commissioners shall have offices at the city hall. The compensation of the mayor shall be twenty-six hundred dollars ($2,600) per annum, and that of each commissioner twenty-four hundred dollars ($2,400) per annum, payable in equal monthly payments. Every other officer, agent, employee, and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at nonpayment intervals.

Chapter XIV.

MEETINGS.

Regular meetings.

Special meetings.

Meetings open to public.

Quorum.

Vote of mayor.

Sec. 51. Regular meetings of the board of commissioners shall be held daily, except Sundays, at such time as the board shall by ordinance provide, and special meetings may be called at any time by the mayor or two commissioners. All meetings of the board of commissioners, regular or special, shall be open to the public. Two members of the board of commissioners shall constitute a quorum, and the mayor shall be entitled to vote as a commissioner, and shall not be entitled to another vote in case of a tie.

Mayor pro tem.

Sec. 52. At the first meeting of the board of commissioners after the regular election of the members thereof they shall elect a mayor *pro tem.* from among their members, who shall, in the absence or inability of the mayor to serve, perform the duties of mayor.

Officers to be elected by commissioners.

Sec. 53. That at their first meeting after their election, or as soon thereafter as is practicable, the board of commissioners shall elect, by ballot, the following officers, to wit: A city treasurer, who shall be one of the commissioners other than the mayor, and who shall serve without further remuneration; a city attorney, and a city clerk, who shall hold their respective offices at the will of the board.

Forfeit for failure to attend meeting.

Sec. 54. That if any commissioner shall fail to attend a regular meeting of the board of commissioners or a special meeting of which he shall have had notice, as prescribed in this act, he shall, unless excused by the board, forfeit and pay for the use of the city the sum of four dollars, which forfeiture may be enforced by the mayor.

Estimate and apportionment of revenues.

Sec. 55. The said board of commissioners shall during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city for the next

fiscal year, and apportion the same, together with any surplus left over to the general fund from the preceding year, as herein provided, to the several departments of the city government, reserving from said estimate not more than ten per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpended portion of said reserved fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the said board shall deem advisable; and in order to enable the said board to properly make the apportionment hereinbefore required, the heads of each department of the city shall, at least ten days before the said apportionment is made, furnish in writing to said board estimates in detail of the amount needed for their respective departments, which estimates shall be considered by the board of commissioners in determining the amount apportioned to each department of the city: *Provided*, that any apportionment made by said board of commissioners to any department of the city may at any time be increased or reduced, or may be diverted from one department to another by a majority vote of all the members of the board: and *Provided further*, that if at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds of the city, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each quarter during the fiscal year each of the heads of the various departments of the city shall file with the board of commissioners an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid.

Reserve for emergencies.

Surplus to reserve fund.

Detail of estimate.

Estimates from departments.

Proviso: alteration of apportionment.

Proviso: surplus to general fund.

Quarterly itemized reports.

Duties of city clerk.

Sec. 56. It shall be the duty of the city clerk to attend each meeting of the board of commissioners, and to keep the minutes and records of all the proceedings of said board in well-bound books provided for that purpose, and to preserve all books, papers, and writings of all kinds committed to his care during his continuance in office and deliver them to his successor, and to account for and pay over all moneys which may come into his hands by virtue of his office; to keep the corporate seal of the city, and to affix same when lawfully directed so to do; to act as clerk of the municipal court; and shall perform such other duties as may be required of him by this act or by the board of commissioners.

Clerk of municipal court.

Bond of treasurer.

Sec. 57. The city treasurer shall give bond in some bonding company, in such sum and form and with such conditions as may be required by the board of commissioners; the amount of said bond shall not be less than ten thousand dollars ($10,000), and the same to be approved by the board of commissioners, said bond to be paid for out of the regular expense funds of the city. It shall be his duty to call on persons having in their hands any money or securities belonging to the city which ought to be paid and de-

Duties of treasurer.

livered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants, signed by the mayor and countersigned by some other person to be designated by the board of commissioners. All moneys belonging to said city and received by any officer or agent thereof, from any source whatsoever, shall, unless otherwise herein directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep in books provided for that purpose a full and correct account of all moneys received and disbursed by him, and shall render a statement of his receipts and disbursements to the board of commissioners at the first of each month, and at such other time as may be required of him by said board. Said board of commissioners shall have the right to require of the treasurer a new bond whenever, in their opinion, the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved in the manner aforesaid. That said board of commissioners may, in their discretion, select one or more banks in the county of Durham as depository banks for the city of Durham, and should such bank or banks be so selected as above provided, it shall then be the duty of said treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to his credit as treasurer in one or more of said banks; and such depository bank or banks, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of the said city interest at a rate to be fixed by said board of commissioners, which said interest shall be payable at the end of each month and shall be based on the daily average balances for the month: *Provided*, the rate of interest to be paid by said bank may at any time be changed by the board of commissioners. The said bank or banks may, in the discretion of the board, be required also to execute a good and sufficient bond, with sureties to be approved by the said board of commissioners, and conditioned that such bank or banks will safely keep and account for and pay over said money on demand and as ordered by the board of commissioners. All interest paid by any such bank upon such balance shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general funds of said city, subject to its use for any legitimate or municipal purpose. That whenever required by this charter or by the board of commissioners said treasurer shall keep the funds and the accounts thereof of the different departments of the city separate. Said treasurer shall do and perform such other acts as said board of commissioners may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his suc-

Warrants.

Moneys turned over to treasurer.

Accounts and statements.

Renewal of bond.

Depository banks.

Daily deposits.

Interest on daily balances.

Proviso: change of rate.

Indemnifying bond.

Collection and report of interest.

To use of general fund.

Funds and accounts separate.

Other duties.

Settlement with successor.

cessor in office all the moneys, securities, and other properties which are, or ought to be, in his hands by virtue of his office.

Powers and authority in collection of taxes.

Sec. 58. The commissioner of public accounts and finances of said city, in the collection of taxes, shall be vested with the same power and authority as is given by the State sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the board of commissioners, and he shall be charged with the sums appearing on the tax list as due for city taxes. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per cent per month to be paid to the city upon all sums so unlawfully retained. In the settlement with the commissioner of public accounts and finances he shall be credited with all poll taxes and taxes of personal property which the board of commissioners shall declare to be insolvent and uncollectible and with such amounts as may be involved in suit by appeal from the ruling of the board, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided. After the accounts of said commissioner shall be audited and settled, the same shall be reported to the board of commissioners and, when approved by them, the same shall be recorded in the minute-book of said board, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Collection of tax.

Penalty for retention of money.

Credits on settlement.

Debits.

Audit and report.

Record of settlements.

Duties of city attorney.

Sec. 59. That it shall be the duty of the city attorney to prosecute and defend all suits for and against the city, to advise the mayor, board of commissioners, and all other commissioners, officers, agents, and departments of the city in regard to matters connected with the city's business, and it shall be his duty, when required so to do, to attend the meetings of the board of commissioners, and to prepare such deeds, contracts, bonds, and other legal papers as may be required for the city's business.

Attendance on meetings.

Preparation of deeds and other papers.

Supervision and control of police force.

Reports of failure of duty.

Monthly settlements.

Further enumeration of powers and duties.

Sec. 60. The chief of police, acting under the commissioner of public safety, shall have the supervision and control of the police force, and it shall be his duty to report to the commissioner of public safety any failure of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of penalties, fees, and costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced and to do all such things as may be required of him by the board of commissioners or by the commissioner of public safety. He shall report any violation of law or the ordinances of the city to the judge of the municipal court. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city. Such power and authority to be exercised by them not only in the corporate limits, but within one mile outside thereof. They shall execute all process legally

Execution of process.

directed to them by any court within the county, and in the execution thereof shall have the same power that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service. May take bail. Fees to use of city.

Sec. 61. The board of commissioners of the city of Durham shall make rules and regulations for the government and direction of the police of the city. In times of exigency the commissioner of public safety may appoint, temporarily, such additional policemen as shall be necessary, who shall take the same oath and be vested with the powers and subject to the same control as regular policemen. The board of commissioners of said city shall require the entire police force to wear badges, and to be so armed and uniformed as to be readily recognized by the public as peace officers: *Provided*, that the commissioner of public safety, when he deems is necessary, may authorize such officer to be on duty in plain clothes. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city, and secure the inhabitants from personal violence and their property from loss or injury. Rules for government of police. Temporary appointments. Badges, arms, and uniforms. Proviso: plain-clothes men. Power of police.

Sec. 62. The keeper of the common jail of the county of Durham is hereby required to receive into the common jail of said county, without a mittimus, any person taken up in the night-time by police force, and to keep such person safely until the following morning, when such offender shall be brought out for trial, and for such services the jailer shall be entitled to have such fees as are allowed him by law in like cases: *Provided*, the city may provide and use a prison or calaboose for the confinement of prisoners as provided by law. Commitments to county jail. Fees of jailer. Proviso: city prison.

Sec. 63. That the chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oath shall be filed with the mayor and entered in the book with the oaths of the board of commissioners and other officers of the city. Oath of policemen. Record of oaths.

Chapter XV.

TAXES.

Sec. 64. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the city, the Tax for general purposes.

board of commissioners of the city of Durham shall have the power, and they are hereby authorized to levy and collect for general purposes an annual *ad valorem* tax on all real and personal property within the corporate limits of said city, and on all personal property, including money on hand and solvent credits owned by residents of said city, and on all other property subject to an *ad valorem* tax under the laws of the State of North Carolina, not exempt from taxation by the Constitution and laws of the said State, of and at the rate of not exceeding sixty-seven cents on the one hundred dollars valuation of said property, and for the purpose of paying interest on municipal bonds and to create sinking fund said board shall levy and collect an annual *ad valorem* tax on all property subject to taxation, as hereinbefore provided, of not more than thirty cents on the one hundred dollars valuation of said property. The term "real property" as used in this act shall be construed to mean the same as defined in section two thousand eight hundred and fifty-seven of the Revisal of one thousand nine hundred and five, and the term "personal property" as used in this act shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September the first of each year, and a discount may be allowed by the board of commissioners for the payment of taxes as follows: For the payment of all taxes during the said month of September, two per cent; during the month of October, one per cent; and during the month of November, one-half of one per cent. And for all taxes not paid prior to January the first following, the said board shall charge the following penalties, to wit: For taxes paid during the said month of January, a penalty of one per cent; during the month of February, two per cent; and for each additional month or fraction thereof thereafter said taxes shall remain unpaid there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes.

Tax for interest and sinking fund.

Real property defined.

Personal property defined.

Taxes due.

Discount for prompt payment.

Penalties.

Poll tax.

Sec. 65. Said board may also levy and collect for general (and school) purposes a poll tax not exceeding one dollar, and for the purpose of paying interest on the municipal bonds of said city a poll tax not exceeding forty cents, said poll tax to be levied on the taxable polls of all male persons who may be residents of the city on the first day of June of each year.

Dog tax.

Sec. 66. That upon all dogs kept in the city, and which may be so kept on the first day of June of each year, said board may levy a tax not exceeding three dollars, and any dog so taxed shall be the subject of larceny: *Provided*, that a discrimination within the limits above fixed may be made by said board on the different species and sexes of dogs.

Dogs subject of larceny.
Proviso: discrimination of species and sex.

Ordinances for collection of taxes.

Sec. 67. Said board of commissioners of the city of Durham shall have the power to provide all ordinances for and prompt col-

lection of all taxes. That if all of such taxes are not paid on or before the first day of February next following the listing of said taxes, the commissioner of public accounts and finances shall proceed to collect such taxes and penalties by distress and sale as provided by law: *Provided*, the time for listing property for taxation shall be during the month of June of each year. Collection by distress and sale. Proviso: time for listing.

Sec. 68. Said board of commissioners shall provide by an ordinance or otherwise means for the collection of taxes in said city and shall cause property to be listed for taxation which has not otherwise been listed as required by law; but the collection of taxes for city purposes shall be upon the basis of assessment for county and State purposes. Delinquent lists. Basis of assessment.

Sec. 69. That the board of commissioners of the city of Durham shall require of the mayor, who is also the tax collector of said city, a good and sufficient bond in a sum not less than ten thousand dollars to protect the city against loss, and may require of any and all officers and employees such bonds as they may deem necessary, and may pay the expenses of providing such bonds, as also of the bond of the mayor. Bond of mayor as tax collector. Bonds of officers and employees.

Sec. 70. That the commissioner of public accounts and finances shall, after the most diligent inquiry, and by comparing his book with the county tax books, make out a list of all persons liable for poll tax, or for taxes on property, who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all the property not listed, and shall enter such persons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double tax except on application to the board of commissioners and for causes shown. Delinquent lists. Double tax. Excuse of double tax.

Sec. 71. That all persons who are liable for poll tax to the said city and who shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days; and it shall be the duty of the commissioner of public accounts and finances of said city to prosecute offenders against this section. Failure to list for taxes misdemeanor. Punishment.

Sec. 72. That as soon as the commissioners of public accounts and finances shall have furnished the assessment roll as provided, and the same shall have been revised by the board (if such revision is deemed necessary), the board of commissioners shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax lists in the hands of the said commissioner of public accounts and finances for collection. Levy of tax. Depcsit of list for collection.

Sec. 73. The lien for taxes levied for any and all purposes in each year shall attach to all the real estate of the taxpayers within the city on the first day of June annually, and shall con- Attachment of lien for taxes.

tinue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien for taxes on the personal property of the taxpayer but from a levy thereon.

Lien on personal property.

License taxes.

Sec. 74. That in addition to the subjects listed for taxation, the said board of commissioners, for the purpose of raising revenue, may levy an annual license tax on the following subjects, the amount of which taxes shall be collected by the commissioner of public accounts and finances, and if not paid when due, the same may be recovered by suit brought in the name of the city on the articles upon which the tax is imposed, or any other property of the licensee may be forthwith distrained and sold to satisfy said tax, namely:

Recovery of tax.

Peddlers.

(1) Upon all itinerant merchants or peddlers vending or offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured; and not more than one person shall peddle under a single license.

Tables for games.

(2) Upon every billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand, or place for any other game or play, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with a hotel or restaurant, a license tax not exceeding one hundred dollars a year.

Retail liquor license.

Wholesale liquor license.

(3) Upon every permission by the board of commissioners to retail spirituous, vinous, malt, or intoxicating liquors of any kind, a license tax of one thousand dollars, and upon wholesale dealers in spirituous, vinous, or malt liquors, a license tax not less than two hundred dollars and not more than five hundred dollars.

Hotels, boarding-houses, and restaurants.

(4) Upon every hotel, a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant and eating-house, a license tax not exceeding fifty dollars; and the board of commissioners may levy the license taxes provided for in this subsection, according to the size, patronage, or income of the hotels, boarding-houses, restaurants, and eating-houses.

Circus license.

Side-shows.

(5) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the city or in one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding twenty dollars, the tax to be paid before exhibition, and, if not, to be doubled.

Stage plays and other shows.

(6) Upon every company or person exhibiting in the city, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding twenty dollars for every twelve hours

allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be doubled.

(7) Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the city or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be doubled. Artificial curiosities.

(8) Upon every show or exhibition of any other kind, and on each concert for reward (unless for religious or beneficial purposes), in the city or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be doubled: *Provided, however*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed. Other shows and concerts. Proviso: plays in licensed halls.

(9) Upon every dog which may be brought into the city after the first of June, to be kept therein, a tax not exceeding five dollars for the permission to keep such dog in the city, which permission shall not extend further than the last day of May next ensuing. Dogs.

(10) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars a year. Auctioneers.

(11) Upon every stock and bond broker, sewing-machine company or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sales stables, livery stables, or stock yards doing business in the city, a license tax not exceeding twenty-five dollars a year. Sundry occupations.

(12) Upon every person engaged in the business of posting, distributing, or tacking up bills, posters, signs, or advertisements of any kind, a license tax not exceeding fifty dollars. Bill-posters.

(13) Upon every building and loan association, oil agency, or shooting gallery, a license tax not exceeding twenty dollars. Building and loan associations, oil agency, and shooting gallery.

(14) Upon every street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance agent or agency, and every skating rink, a license tax not exceeding ten dollars a year. Sundry business.

(15) Upon every telephone or electric light company, power company, street railway company, waterworks company furnishing water to the city or citizens, a license tax not exceeding one hundred dollars per annum. Public-service companies.

(16) That each marble yard, undertaker, plumber, or persons putting gas or water fixtures in houses or yards, a license tax not exceeding ten dollars. Marble yards, undertakers, plumbers, and pipe fitters.

(17) Each barber shop, rope walker, itinerant dealer in lightning rods and stoves, every dealer in fertilizer, practicing physician, dentist or surgeon, optician, oculist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, carriage, buggy, or wagon agent, or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory, tobacco factory, or tobacco warehouse, each dancing school, every Sundry trades and professions.

agent for the sale of machinery, engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, persons selling jewelry or any other article having a prize given therewith, each printing office, each dealer in patent rights, and every lawyer or firm, a license tax of ten dollars.

Distilleries, beer bottlers, and opera houses.

(18) Upon every distillery of fruit or grain, and each distiller or compounder of spirituous liquors, and upon every beer bottling establishment, and every opera house or hall used for theatrical, musical, or other entertainment of like kind, a license tax not exceeding one hundred dollars a year.

Banks, junk dealers, mills, manufactories, machine shops, and foundries.

(19) Upon every bank or banker, each junk shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, a license tax not exceeding fifty dollars a year.

Commission merchants and brokers.

(20) Upon all commission merchants and commercial brokers, a license tax not exceeding ten dollars a year.

Transfer liens.

(21) Upon every omnibus, hack, cab, carriage, dray, baggage wagon, used to transport persons, baggage, freight, or other articles for hire, a license tax not exceeding twenty dollars.

Moving-picture shows.

(22) On moving-picture shows, a license tax not exceeding fifty dollars.

Moving-picture shows with vaudeville.

(23) On moving-picture shows in connection with vaudeville acts, or on vaudeville shows, a license tax not exceeding one hundred dollars.

Skating rinks.

(24) On skating rinks, a license tax not exceeding fifty dollars.

Dealers in soft drinks.

(25) On every person, firm, or corporation selling "near-beer," cider, or any kind of soft drinks, under whatever name, containing one-half per cent of alcohol or more, but not in sufficient quantities to intoxicate, a license tax not exceeding five hundred dollars.

Other business, trades, and professions.

(26) On any business, profession, trade, or avocation of any kind carried on in the city of Durham not hereinbefore enumerated, a license tax not exceeding five hundred dollars.

License year.

Sec. 75. That the license year shall begin on the first day of June of each and every year.

Graduation of license.

Sec. 76. That the board of commissioners shall have the power to graduate any of the license taxes permitted in this charter, by dividing the business into classes according to size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class.

Proviso: tax uniform in class.

Further taxing powers.

Sec. 77. That in addition to the subjects enumerated in the foregoing, the said board of commissioners of the city of Durham shall, for the purpose of raising revenue, have power to tax all persons, firms, or corporations and all subjects of taxation which under the Constitution and laws of the State of North Carolina are taxable by the General Assembly for State and county purposes:

Provided, such tax shall not exceed one-half of that levied annually on like subjects by the State and county for State and county purposes. Proviso: limit of tax.

Sec. 78. That the board of commissioners may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper. Requirement for posting of license.

Sec. 79. That the board of commissioners of the city of Durham shall have the power to license, tax, regulate, restrict, prohibit, and revoke any license, after being issued, on the following business, viz.: For running billiard tables, bowling alleys or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made, for pawnbroker, or for selling "near-beer," cider, or any other soft drink of whatever name, containing one-half of one per cent or more of alcohol, but not in sufficient quantities to produce intoxication. Before issuing license as above, said board may require bonds from all applicants, conditioned as the board of commissioners may determine, with such sureties as the said board may approve. Power of revocation. Business subject to revocation. Bonds from applicants.

Sec. 80. Said board may regulate and license plumbers and those engaged in the electrical wiring of buildings for light, power, or heat, and before issuing a license may require the applicant to be examined and to give bond in such sum and upon such conditions as the board of commissioners may determine, and with such sureties as it may approve, and said board may, for incompetency on the part of such licensees or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder. Regulation and license of plumbers. Examination and bond. Revocation of license.

Sec. 81. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said board. Work without license forbidden.

Sec. 82. That no license issued hereunder by said board shall be for more than one year, and same shall not be transferable or assignable except by the permission of the board of commissioners. Limit of license. Not transferable.

Sec. 83. Any person carrying on or practicing any business, profession, trade, or avocation of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than fifty dollars or imprisoned not more than thirty days. Doing business without license misdemeanor. Punishment.

Sec. 84. That no license shall be issued, as herein provided, before the license tax shall have been paid. License not issued until paid for.

Chapter XVI.

streets.

Sec. 85. That when any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already opened, or other objects allowed by this charter, and Power to condemn land.

Procedure for valuation.

the compensation therefor cannot be agreed upon by the owner or owners and the board of commissioners, the same may be condemned and taken by the board of commissioners at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the board of commissioners and one by the owner or owners; and in case these two do not agree, then the two thus chosen shall select a third; and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified so to do, then it shall be the duty of the board of commissioners to appoint a disinterested freeholder to act on the part of said owner or owners; and in making said valuation, said freeholders, after giving the owner or owners or their agent notice, or giving ten days notice in a newspaper published in the city in case such owner cannot be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also such benefit or advantage such owner may receive from the opening, widening, or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the board of commissioners, under

Effect of report.

their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against the city of Durham, and shall pass the title to the city of Durham of the land so taken, and the land may at once be taken and used by the city for the purpose intended:

Proviso: right of appeal.

Provided, that if either the owner or owners whose land is taken under this paragraph, or the board of commissioners, shall be dissatisfied with the valuation thus made, either party may appeal

Proviso: appeal not to delay action.

to the next term of the Superior Court: *Provided, however*, that such appeal shall not hinder or delay the board of commissioners in opening, widening, or changing such street or making such improvement.

General enumeration of powers as to streets.

Sec. 86. That the board of commissioners of the city of Durham shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of said city and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit, and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate and control the use thereof by persons, animals, and vehicles. To prevent, abate, and remove

Parks and squares.

obstructions, encroachments, pollution or litter therein, and shall have under their government, management, and control all parks and squares within or without the city limits established by the board of commissioners for the use of the city.

Sec. 87. That every owner of a lot on a street, if so ordered by the board of commissioners, shall pave or repair in such manner as the board of commissioners may direct such sidewalk as far as it may extend along such lot; and shall also, if so directed by the board of commissioners, macadamize, pave, or otherwise improve one-fourth of the street adjoining, with such materials and in such a manner as may be required by the board of commissioners; and all work done under this section shall be done under the strict supervision of the commissioner of public works, and on the failure to do as directed within twenty days after notice by the said commissioner or of the chief of police to said owner, or if he be a nonresident of the county of Durham, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the said commissioners for ten days in some newspaper published in Durham, calling on the owner to make such repairs, the board of commissioners or the commissioner of public works may cause the same to be repaired or improved as directed by the board, and the expense shall be paid by the person in default; said expense shall be a lien upon said lot, and if not paid within two months after completion of the work, such lot may be sold, or enough of the same to pay such expenses and costs, by the commissioner of public accounts and finances of said city, under the same rules, regulations, and restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes: *Provided, however*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be lien as herein provided, and collectible as provided above: *Provided further*, that if the property-owner should so elect, and give notice of the fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which the said work is done up to the time when the same shall be due and collectible, which said date shall be the date on which the taxes are due and collectible, and in case of the failure or neglect of any property-owner to pay said installment when the same shall be due and collectible, then in that event all of said installments shall at once become due; said property shall be sold as hereinbefore provided and said installments, interest, and cost be paid, and surplus, if any, paid to the owner: *Provided further*, that whenever the city has had any of the said work done it shall give the owner of the said abutting property ten days notice of the amount charged

Lot owners to pave sidewalks and streets.

Supervision of work.

Work done by city on default of owner.

Expense a lien on lot.

Collection.

Proviso: option of city to do work.

Lien of charges.

Proviso: payment by installments.

Collection of installments.

Proviso: right of appeal.

against his said property, and if the said owner is dissatisfied with the amount of the said charge he may give notice to the board of commissioners within ten days aforesaid that he takes an appeal to the next term of the Superior Court of Durham County, and shall, within five days thereafter, serve statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions at law; and the said owner may in like time and manner appeal from any order or act of the board of commissioners made or done under this section, but said appeal shall not delay or stop the said improvements.

Cellars and cellar entrances.

Sec. 88. That the board of commissioners of the city of Durham shall have power to prohibit cellars or entrances to cellars under the sidewalks of said city, or any obstruction upon the streets or sidewalks thereof.

Chapter XVII.

WATER AND LIGHT.

Light plant and waterworks.

Liability for damage.

Sec. 89. That the city may own and maintain its own light and waterworks systems to furnish water for fire and other purposes, and light to the city and its citizens, but shall in no case be liable for damages for a failure to furnish a sufficient supply of either water or light.

Property for use of water supply.

Sec. 90. That the board of commissioners shall have power to acquire and hold, in the name of the city, rights of way, water rights, and other property within and without the city limits, and the board of commissioners shall have power to condemn and take rights of way, easements, water rights, and other property within and without the corporate limits of the city for the purpose of getting, storing, maintaining, and furnishing a pure and adequate water supply and of furnishing lights for the city and its citizens.

Procedure for condemnation.

That the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Supervision and control of system.

Sec. 91. That the said board of commissioners shall have entire supervision and control of the maintenance, improvement, and management of the said systems, and shall fix such uniform rates for water as they think best. That said board of commissioners shall fix the time or times when said water rents shall become due and payable, and in case such rent is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water collections are made; and the same may at any time thereafter be collected, either by suit in the name of the city or by the collector of taxes for the city, by the sale of the property upon which said lien attaches at the courthouse door in the city of Durham, after advertising the same for thirty days in some newspaper published in the city of Durham; and the said sale is to be made under the

Rates.

Lien for charges.

Collection.

same rules and regulations and subject to the same costs and penalties and to the same rights of redemption as are provided in the charter of the city for the sale of real estate for taxes. That upon the failure of the owner of property for which water is furnished, under the rules and regulations of the said board of commissioners, to pay said water rents when due, then the said board of commissioners, or its agents or employees, may cut off the water from the said property; and when so cut off, it shall be unlawful for any person, firm, or corporation, other than the said board of commissioners, or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without having first paid said water rent and obtained permission from the commissioner of public works or some officer in his department, to turn on said water; and any person, firm, or corporation convicted of the violation of any one of the provisions contained in this section shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Water cut off for nonpayment.

Unauthorized reconnection misdemeanor.

Punishment.

Sec. 92. That it shall be the duty of the board of commissioners of the city of Durham, and of the tax collector and treasurer and of the commissioner who is tax collector and of the commissioner who is treasurer of the city of Durham to keep a separate statement and account of the money received by the city of Durham from the waterworks system, in case said city acquires and owns its waterworks system; and it shall be the duty of the said board of commissioners to give preference to the waterworks system over the other departments of the city in such funds and to provide for the proper upkeep of the waterworks system an amount necessary for the enlargement of the waterworks system before turning over to other departments the money so received.

Separate accounts.

Preference in expenditures.

Chapter XVIII.

City Hall, Market and Opera House, Etc.

Sec. 93. The board of commissioners of the city of Durham shall provide for the supervision and control of the city hall building.

Supervision and control of city hall.

Sec. 94. The board of commissioners may conduct an opera house, or may lease the same upon such terms as it may deem best, and may exempt from city license taxes theaters and other shows using the city opera house and paying rent therefor.

May conduct opera house.

Sec. 95. The board of commissioners of the city of Durham have power to provide for the establishment, maintenance, and regulation of markets and slaughter places; may prescribe the time and place of sale of fresh meats, fish, and other marketable products; may rent the stalls in such manner and at such prices as it may deem best; may appoint a keeper of the market, or other persons, who may summarily condemn all unsound products offered for sale

Markets and slaughter-houses.

Condemnation of unsound products.

in the city for food, and cause the same to be removed at the expense of the person offering it for sale.

Sale of unsound food-stuffs misdemeanor.

Sec. 96. It is hereby declared a misdemeanor for any person to sell or offer for sale in the city any unsound articles for food, and any person convicted of any violation of this section shall be fined or imprisoned in the discretion of the court.

Punishment.

Chapter XIX.

SEWERAGE.

Sewer system.

Sec. 97. That the said board of commissioners shall have power to provide, construct, establish, maintain, and operate a system of sewerage for the city, and protect and regulate the same by adequate rules and regulations, and if it shall be necessary in obtaining proper outlets to the said system to extend the same beyond the corporate limits, the board of commissioners may condemn a right of way or rights of way to and for such outlet or outlets, and the proceedings for such condemnation shall be as herein provided for opening new streets and other purposes.

Power of and proceedings for condemnation.

Enforcement of connections.

Sec. 98. That the board of commissioners may require all owners of improved property which may be located upon or near any line of said system of sewerage to connect with such sewerage all water-closets, bathtubs, lavatories, sinks, or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer.

Scavengers.

Sec. 99. That the board of commissioners may by ordinance provide for the removal, by wagons or carts, all garbage, slops, and trash from the city, and when the same is not removed by the private individual in obedience to such ordinance, may require the wagons or carts to visit the houses used as residences, stores, and other places of habitation in the city, and also may require all owners or occupants of such houses, who fail to remove such garbage or trash from their premises, to have the garbage, slops, and trash ready and in convenient places and receptacles, and may charge for such removal the actual expense thereof.

Power to abate nuisances.

Sec. 100. That the board of commissioners, chief of police, commissioner of public safety, or other officer or officers, who may be designated for this purpose by said board, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything in the city limits or within a mile of said limits which is dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Expense a lien on premises.

Chapter XX.

FIRES AND FIRE DEPARTMENT.

Fire companies and fire department.

Sec. 101. That the board of commissioners shall have power to provide for the organization, equipment, maintenance, and government of fire companies and a fire department; and in its discretion may provide for a paid fire department, and for this purpose may create any offices and employments and fix their compensation as to the board may seem right and proper.

Fire limits.

Sec. 102. That the board may establish and maintain fire limits in the city, in which it shall be unlawful to erect, alter, and repair wooden buildings or structures or additions thereto; it may also prohibit the removal of wooden buildings or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Building regulations.

Destruction of property in arresting fires.

Sec. 103. The board of commissioners may make rules and regulations governing the erection and construction of buildings in the city so as to make them as safe as possible from fire; and in case of fire the mayor, the commissioner of public safety, or any two members of the said board of commissioners, may order the blowing up, tearing down, or destruction in any other way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, civilly or criminally, for acting in obedience to the orders thus given.

Chapter XXI.

CARE FUND FOR CEMETERIES.

Perpetual care fund for cemeteries.

Sec. 104. That the board of commissioners are authorized to create a fund to be known as the perpetual care fund for the cemetery or cemeteries, for the purpose of perpetually caring for and beautifying the cemetery or cemeteries, and said fund shall be kept by the city, as is provided for bequests and gifts for cemetery purposes; and said board may make contracts with plat or space owners in the cemetery or cemeteries, obligating the city to keep up and maintain said lots or spaces, in perpetuity, upon payment of such sum or sums as may be fixed by the board of commissioners; and the board of commissioners is further authorized and empowered to accept gifts and bequests for such purposes, or upon such other trusts as the donors may prescribe; and said board is authorized to set aside for said perpetual care fund an amount not exceeding twenty-five per cent of the proceeds of sale of cemetery lots. The principal of said funds so appropriated by the board of commissioners for caring for the cemetery or cemeteries shall be held by the said board of commissioners for caring for and beautifying the cemetery or cemeteries and improving the same. The income from the said fund here-

Contracts for care of lots.

Gifts and bequests.

Principal of fund.

Income.

tofore or hereafter made shall be used for such purpose of carrying out contracts with the individual plat or space owners for perpetual care of individual plats and spaces. That any gifts heretofore or hereafter made to and received by the city, or any of its officers, shall be held and used as a sacred trust fund for the purposes and upon the conditions named in such gifts or bequests, and any and all such funds shall be kept or invested separate and shall not be used for any other purpose, or by the city in its other affairs. That the city treasurer shall keep a separate account of the cemetery funds, and a still further separate account of all special gifts or bequests made by persons for and in connection with the cemetery or cemeteries, and particular lots therein. The board of commissioners shall have the power to make rules and regulations and adopt ordinances for the carrying out of the duties imposed by this section.

Separate accounts.

Chapter XXII.

GENERAL LAWS APPLICABLE.

General law applicable.

Sec. 105. That the provisions of sections two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of the Revisal of one thousand nine hundred and five of North Carolina, shall apply to the city of Durham, where not inconsistent with the provisions of this act.

Chapter XXIII.

ELECTION ON ADOPTION OF COMMISSION FORM OF GOVERNMENT.

Date for election.

Sec. 106. That on the first Tuesday in April, one thousand nine hundred and thirteen, there shall be held, in the city of Durham, an election at which all voters who are then registered and qualified to vote shall be entitled to vote for the purpose of determining whether it is the will of such voters that the foregoing shall become law applicable to the city of Durham. That the election shall be advertised by the board of aldermen for twenty consecutive days prior to the holding of such election. Said advertisement shall be inserted in each daily newspaper published in the city of Durham. That such election shall be conducted in all things as are elections for mayor and aldermen under the present law as nearly as may be.

Advertisement of election.

Law governing elections.

Ballot boxes.

Sec. 107. That at each voting place in said city, at such election, there shall be provided one box in which each person entitled to vote may deposit one ballot. That those wishing to vote that the foregoing provisions shall become law applicable to the city of Durham may vote a ballot upon which there shall be printed or written the words "For Commission Form of Government," and each of those wishing to vote against the foregoing provisions becoming law applicable to the city of Durham may vote a ballot

Ballots.

on which shall be printed or written the words "Against Commission Form of Government."

Count and return of votes.

Sec. 108. That the election officers for each precinct shall, within six hours from the time the polls are closed in the election to determine the question as to whether the foregoing provisions shall become law, shall count the ballots and certify the result to the mayor and board of aldermen. The mayor and board of aldermen shall, within twenty-four hours, examine such certificates and formally declare whether a majority of those voting have voted "For Commission Form of Government" or "Against Commission Form of Government," and spread upon their minutes the record of their determination; and if it shall appear therefrom that a majority of those voting at such election have voted "For Commission Form of Government," the foregoing sections of the proposed charter and laws shall at once become effective and the law applicable to the city of Durham, North Carolina, as if unconditionally passed by the General Assembly of North Carolina.

Declaration and record of result.

Failure in duty misdemeanor.

Sec. 109. That if the mayor or any of the aldermen of the city of Durham shall fail to perform any of the duties imposed upon them, relative to holding elections provided for by this act, they and each of them so neglecting shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court, and shall also be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund and one-half to the party who shall sue for same.

Punishment.

Penalty.

When act effective.

Sec. 110. That this act shall be in force and effect from the date of declaring carried the election "For Commission Form of Government," in the manner above set out.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 378.

AN ACT TO REQUIRE ALL CHILDREN BETWEEN THE AGES OF 8 AND 15 YEARS TO ATTEND THE PUBLIC SCHOOLS IN NANTAHALA TOWNSHIP, DISTRICT No. 1, SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Person having control of children to enforce attendance on schools.

Section 1. That every person residing in Nantahala Township, District Number One, Swain County, and having under his control a child or children between the ages of eight and fifteen years shall cause such child or children to attend some public school in said district, and such attendance shall continue during the school term; and for every neglect of such duty the persons offending shall be guilty of a misdemeanor, and shall upon conviction thereof before any justice of the peace be fined one dollar for the first

Misdemeanor.

Punishment.

offense and two dollars for each subsequent offense, with costs. An offense as understood and contemplated by this act shall consist in failure to send to school any child or children for four days in any one week during said school term, except in case of sickness of said child or children, or contagious illness in the family of said child or children, or other reasonable excuse. It shall be the duty of every teacher to inform the principal or superintendent, or other person in charge of any school, against any one so offending, which principal, superintendent, or other person in control of said school shall immediately inform the truant officer regarding such offender; and any such principal, superintendent, or other person in control of said school failing to report such information to the truant officer shall be guilty of a misdemeanor, and fined one dollar for each offense. When any complaint is made to the truant officer by any principal, superintendent, or other person in control of any school, as above provided, of the failure of any person to comply with the foregoing provisions of this section, the truant officer shall immediately investigate the cause of such absence; and if, in his opinion, there does not exist a reasonable excuse therefor, he shall forthwith make complaint against the person having such child or children under his or her control before some justice of the peace residing in the territory above described, who shall summon such person before him to answer such complaint. If complaint be made before any justice of the peace residing in the territory above described, that any principal, superintendent, or other person in charge of any school in said territory is violating the provisions of this section, the justice of the peace shall summon such party so offending before him to answer such complaint; any person convicted of violating the provisions of this section shall be fined by such justice not exceeding the amount or amounts as above stated, and be adjudged to pay the costs: *Provided*, that if such child or children within the ages above mentioned shall have attended for a like period of time a private day school, or if such child or children have passed a satisfactory examination in the branches of learning required by law to be taught in the seventh grade in the public schools of this State, or have already acquired such branches, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, or if he shall have been excused from attendance by the committee of the Almond High School in Nantahala Township, District Number One, or the board of trustees or school committeemen of any other school in said above described territory to which said child belongs, then such penalty shall not be incurred.

Definition of offense.

Reports of non-attendance.

Failure to report misdemeanor.

Punishment.

Investigation by truant officer.

Complaint to magistrate.

Prosecution of principals and superintendents.

Proviso: excuses for nonattendance.

Sec. 2. The committee of the Almond Graded School is hereby authorized to appoint a truant officer for said School District Number One, and fix his compensation, to be paid on order of said committee out of the public funds of said district; and they may in their discretion appoint as such officer any constable, town marshal,

Appointment and compensation of truant officer.

or other citizen, and may prescribe such other duties for said truant officer, not inconsistent with the provisions of this act, that they deem to be for the public benefit; and the jurisdiction and authority of said truant officer shall extend over all schools maintained at the public expense within the above described territory. Jurisdiction and authority.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this act shall be inoperative within the territory above described.

Sec. 4. That this act shall be in force and effect from and after the first day of July, one thousand nine hundred and thirteen.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 379.

AN ACT TO AMEND CHAPTER 384 OF THE PRIVATE LAWS OF 1911.

The General Assembly of North Carolina do enact:

Section 1. That section sixteen, chapter three hundred and eighty-four of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding to the end of section sixteen, before subsection (*a*), the following: "*Provided*, that no person shall be elected a member of the board of commissioners who has not been a *bona fide* resident of the town for at least six months prior to his election; but all other officers provided for in said chapter are not required to be residents of the town; and their compensation and salary shall be fixed by the board of commissioners, and the same may be changed at any time said board may see proper." Proviso: residence of commissioners and officers. Compensation.

Sec. 2. That subsection (*d*), chapter three hundred and eighty-four, Private Laws of one thousand nine hundred and eleven, be amended by striking out all after the word "appropriations," in line nine of said subsection, and insert the following in lieu thereof: "That no ordinance declaring an act to be a crime or fixing a penalty shall be passed finally on the date it is introduced, except in cases of public emergency, and then only when requested by the mayor, in writing, which writing shall be recorded on the record: *Provided*, that no ordinance or resolution making a grant of any franchise of special privilege shall ever be passed as an emergency measure. Passage of criminal ordinances. Proviso: grants of franchises.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 380.

AN ACT TO AMEND CHAPTER 362, PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter three hundred and sixty-two of the Private Laws of one thousand eight hundred and ninety-nine be repealed and the following substituted in lieu thereof: Beginning on Lumber River at the New Bridge crossing Lumber River from Maxton to Harmony Schoolhouse and running down Lumber River to a point opposite McNair Springs; running thence a direct line to the mouth of the ditch between H. C. McNair and Rory McNair's, and running thence with said ditch to the public road leading from Maxton to Lumberton; running thence a direct line to a point in the public road leading from Maxton to the Seven Bridges, between the Shaw and Cottingham places, where a little branch crosses said road; running thence a direct line to Shoe Heel Creek; running thence up the various courses of Shoe Heel Creek to a point one-fourth of a mile above Rocky Ford; running thence parallel with the said road leading from Rocky Ford to Camel's Bridge, one-quarter of a mile north of same, to Lumber River; running thence down the various courses of Lumber River to the beginning.

Boundary.

Official title.

Sec. 2. Strike out in line three thereof the words "Town of Maxton" and insert in lieu thereof "Special School District."

Committeemen.

Sec. 3. Insert in line two, after "Patterson" and before "are," L. W. McKinnon, H. C. McNair; in lines four and five strike out "said town of Maxton" and insert in lieu thereof "said school district."

School funds.

Sec. 3½. That the school district herein created and established shall receive its pro rata share of public school funds from each of the counties of Robeson and Scotland, according to the number of children of school age living in the bounds of the said school district. The portion of said funds collected in Scotland County shall be paid over by the treasurer of Scotland to the treasurer of said school district, upon receiving a receipt from him for the same.

Payment for former district.

(*a*) That the district herein created shall pay to Alma District the sum of two hundred and twenty-five dollars as their due proportion of the debt now owed by said Alma District on school building.

Election on special tax.

Sec. 4. At the date of the municipal election next ensuing the passage of this act the board of commissioners of the town of Maxton shall submit to the qualified voters of said district the question whether a special school tax shall be annually levied in that portion of said district where a special tax is not now being

levied to supplement the special school fund in said town. Said election shall be held under the rules and regulations governing municipal elections in said town, and for the purposes of said election the board of commissioners shall order an entirely new registration for the entire district. For the purpose of ordering said registration and election the board of commissioners may meet in special session. At the election to be held under the provisions of this act those who favor the levying of said taxes shall vote a ticket on which shall be printed or written the words "For Special Tax" and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." If a majority of the qualified voters shall be in favor of special taxes, the same shall be annually levied and collected as the other town taxes in said town, and in that portion of said district in Robeson County shall be levied by the board of commissioners of Robeson County and collected by the Sheriff of Robeson, and in Scotland it shall be levied by the board of commissioners of Scotland County and collected by the Sheriff of Scotland County; and all of said taxes when collected shall be turned over to the treasurer of said school committee, and shall by them be applied exclusively to the support and maintenance of public schools in said district. The special school tax thus levied and collected shall not exceed twenty-five cents on the one hundred dollars worth of property and fifty cents on the poll.

Law governing election.

New registration.

Tickets.

Effect of election.

Limit of tax rate.

Sec. 5. No other special tax for school purposes other than that collected for this district shall be levied and collected on any property contained in the bounds of this district. That all laws in conflict with this act are hereby repealed.

Exclusive tax.

Sec. 6. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 381.

AN ACT TO AMEND THE PRIVATE LAWS OF 1911, CHAPTER 184.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eighty-four, Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding after section eleven the following: "Section ten (*a*). That the city of Wilmington shall have the power to mortgage the property so purchased or acquired for wharf and terminal purposes to secure the payment of the bonds issued for the purchase of said property."

Power of mortgage.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 382.

AN ACT TO DEFINE THE BOUNDARIES OF THE TOWN OF FUQUAY SPRINGS, WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the boundaries or town limits of the town of Fuquay Springs, Wake County, are declared to be as follows:

Boundary.

Beginning at a stake, J. A. Sexton's corner with J. D. Ballentine, formerly A. P. Fuquay's corner, with Wilborn in the Jones line, and runs, according to true meridian as indicated by monuments set by U. S. Government at A. and M. College, Raleigh, N. C., east with said Sexton and Ballentine line three thousand eight hundred and eighty-eight feet to a stake on the east side of Neils Creek; thence north six thousand four hundred and eighty feet to a stake near a small branch on B. G. Ennis's land; thence west five thousand one hundred and eighty-four feet to a stake in an old field; thence south five thousand four hundred and eighty-three feet to a stake in Powell's line; thence with said Powell's line south eighty-six degrees thirty minutes east four hundred and ninety-two feet to a stake, Powell's northeast corner; thence to the beginning.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 383.

AN ACT RELATING TO POLLING PLACES FOR MUNICIPAL ELECTIONS IN THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

One or more polling places.

Section 1. That a polling place shall not be required for each ward in elections held in the city of Monroe, but there shall be either one polling place or as many polling places for such elections as may be established by the governing body of said city of Monroe.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 384.

AN ACT TO AUTHORIZE THE BEAUFORT GRADED SCHOOL TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED SCHOOL BUILDING AT BEAUFORT, NORTH CAROLINA.

Whereas the General Assembly, at its session in one thousand nine hundred and nine, passed an act entitled "An act to establish graded schools in the town of Beaufort, Carteret County"; and whereas section five of said act created a board of trustees, whose duty it is to have maintained the said graded schools; and whereas a proper equipment for the conduct of said school is now deficient: Now, therefore,

Preamble: establishment of school.

Preamble: board of trustees.

Preamble: equipment deficient.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of raising money to build and equip graded school buildings for the Beaufort Graded School District, created by the General Assembly of North Carolina at its session of one thousand nine hundred and nine, the Beaufort Graded School Trustees are hereby authorized and empowered to issue bonds to the amount of twenty thousand dollars, said bonds to be made payable at such place within the United States as the said Beaufort Graded School Trustees may designate, and at such time, not exceeding forty years, as they may designate; said bonds shall bear interest not exceeding six per cent per annum, which interest shall be payable either annually or semiannually, as the Beaufort Graded School Trustees may determine and designate in said bonds. Said bonds shall be coupon bonds and shall be in such denomination as shall be determined upon by the Beaufort Graded School Trustees, and the said trustees may provide therein for the registration of said bonds. Said bonds shall be signed in the name of the Beaufort Graded School by the chairman of the graded school board of trustees, attested by the secretary of said board of trustees, and shall have affixed thereto the corporate seal of said graded school board of trustees.

Bond issue authorized.

Amount.

Maturity.

Denominations.

Authentication.

Sec. 2. That said bonds shall not be sold for less than their par value, which interest accruing, and the proceeds of same shall not be used for any purpose other than the purpose mentioned in this act.

Sale below par forbidden.

Specific appropriation of proceeds.

Sec. 3. That for the purpose of providing for the payment of said bonds at their maturity and the interest on the same as it matures and becomes due, the board of commissioners of Carteret County, North Carolina, shall annually, at the time of levying other taxes, levy and lay a special tax on all polls and property subject to taxation within the graded school district contained in the boundaries fixed by section one, chapter two hundred and

Special tax.

fourteen of the Acts of the General Assembly of North Carolina, one thousand nine hundred and nine, entitled "An act to establish graded schools in the town of Beaufort, Carteret County," sufficient to meet the annual accruing interest on said bonds and to provide a sinking fund for the payment of the principal of said bonds at maturity. The taxes provided for in this section shall be collected by the Sheriff of Carteret County, North Carolina, and shall be by him paid over to the treasurer of the board of trustees of the Beaufort Graded School, and shall be by said treasurer kept separate and apart from other funds and applied exclusively to the purposes for which they are collected. That the board of trustees of the said Beaufort Graded School may require the treasurer of Beaufort Graded School Board of Trustees to give a good and sufficient bond in double the amount of any sum which he may have in his hands, which bond may be increased from time to time as occasion may require.

Collection and settlement.

Bond of treasurer.

Petition for election.

Sec. 4. That for the purpose of submitting to the qualified voters of the said Beaufort Graded School District the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the county board of commissioners of the county of Carteret, North Carolina, upon petition of at least one hundred qualified voters in said district, within thirty days after said petition shall be duly presented to said board, shall order an election to be held in said district and shall in such order appoint the time and place for holding the same, and said board shall appoint a registrar and two judges of election (which judges shall be of different political persuasion), and shall give thirty days notice in some newspaper published in said school district in said county, and shall order a new registration of voters for said election. That in said election all persons residing within said district described in section one, chapter two hundred and fourteen, of the Acts of the General Assembly of North Carolina, session one thousand nine hundred and nine, who shall at that time be entitled to vote for the members of the General Assembly shall be entitled to vote in said election: *Provided*, such persons shall have duly registered as herein provided for said election; and only those persons within said district who shall register for said election shall be deemed qualified voters within the purview of this act.

Order for election.

Election officers.

Voters.

Ballots.

Sec. 5. That at said election those voting for said bonds and levying the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing bonds and levying and collecting said taxes shall vote a written or printed ballot containing the words "Against School Bonds." That said election, except as herein especially provided, shall be held under the same rules and regulations as is now provided for the election of members of the General Assembly.

Law governing election.

Sec. 6. That the registrar and judges of election, at the close of said election, shall canvass the votes and declare the result thereof and shall make two returns thereof, one to the board of county commissioners of Carteret County and one to the Beaufort Graded School Board of Trustees; and the said board of commissioners of Carteret County shall order said returns recorded in the office of the Clerk of the Superior Court of Carteret County, and the board of trustees of said Beaufort Graded School shall cause a copy thereof to be spread upon its minutes. Canvass and declaration of result. Record of returns.

Sec. 7. That if at the election a majority of the votes cast by the qualified voters, as herein prescribed, of the Beaufort Graded School District, as fixed and defined in section one, chapter two hundred and fourteen, of the Acts of the General Assembly of North Carolina at the session of one thousand nine hundred and nine, entitled "An act to establish graded schools in the town of Beaufort, Carteret County," shall be for school bonds, then the Beaufort Graded School Trustees shall proceed to issue and sell the bonds or so many thereof as may be necessary for the purposes aforesaid in the judgment and discretion of the said board of trustees of the said Beaufort Graded School. Effect of election.

Sec. 8. That if a majority of the votes cast at said election shall be against school bonds, then the board of commissioners of Carteret County shall, upon another petition of at least one hundred voters within the said Beaufort Graded School District at any time after twelve months from the date of the former election and within five years from the date thereof, order another election, which election shall be held as herein provided; and if at said election so held a majority of the qualified voters (as herein provided for said voters to be qualified) shall vote for school bonds, then the said election shall have the same force and effect as if no election had been previously held. Further election.

Sec. 9. That nothing in this act shall be so construed as to repeal or adversely affect any clause or clauses of the act of the General Assembly, chapter two hundred and fourteen, session of one thousand nine hundred and nine, entitled "An act to establish graded schools in the town of Beaufort, Carteret County," but shall be so construed only as to enlarge the powers of said board of trustees of said graded schools to the special purpose herein provided for. Law not to operate as repeal.

Sec. 10. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 385.

AN ACT TO AUTHORIZE THE TREASURER OF CASWELL COUNTY TO PAY AN OUTSTANDING PUBLIC SCHOOL VOUCHER.

Preamble: voucher approved.

Preamble: insufficiency of funds.

That, whereas the board of education of Caswell County approved a voucher for thirty dollars to Miss Bessie Lapscott, September third, one thousand nine hundred and six, for services rendered by her as school teacher in the public schools in Caswell County, Stony Creek Township; and whereas, at that time there was not a sufficient amount of money in the treasury belonging to the school fund, and that said amount has not been paid or any part thereof: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of voucher authorized.

Proviso: order for payment.

Section 1. That the Treasurer of Caswell County is hereby directed and authorized to pay said voucher out of any money belonging to the public school fund not otherwise appropriated: *Provided*, said voucher shall not be paid unless so ordered by the county board of education of Caswell County.

Sec. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 386.

AN ACT TO EXEMPT THE CITY OF WASHINGTON FROM THE PROVISIONS OF SUBSECTION (E) OF SECTION 1 OF CHAPTER 86 OF THE PUBLIC LAWS OF 1911.

The General Assembly of North Carolina do enact:

Exemption to town.

Section 1. That the city of Washington be and hereby is exempted from the provisions of subsection (*e*) of section one of chapter eighty-six of the Public Laws of the General Assembly of one thousand nine hundred and eleven, and the provisions of said subsection shall in no way bind said city of Washington or apply thereto in any respect. But this act shall not be construed to repeal any of the other of the provisions of said chapter eighty-six of the Public Laws of the General Assembly of one thousand nine hundred and eleven, except those contained in subsection (*e*) of section one thereof.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 387.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RICHLANDS, IN ONSLOW COUNTY, BEING CHAPTER 417 OF THE PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Section 1. That section three, chapter four hundred and seventeen, Private Laws of one thousand nine hundred and five, be amended as follows: At the end of said section, after the word "office," add the following: "And in case of a vacancy or vacancies in said office of town constable, the board of aldermen shall elect or appoint some person to fill the same for the unexpired term; and that all vacancies in any of the offices of the said town shall be filled by the board of aldermen." Aldermen to fill vacancies.

Sec. 2. That section nineteen, chapter four hundred and seventeen, Private Laws of one thousand nine hundred and five, be amended as follows: After the word "doubled," in line eight, section nineteen, add the following: "And the board of aldermen of said town shall have the power and authority to annually levy and cause to be collected for the necessary expenses of the town such special or privilege tax or taxes as may seem to them fair and equitable on every trade, calling, or business, of whatever nature, carried on in said town: *Provided*, the said tax is not prohibited by the general law of the State." License taxes.

Sec. 3. That section twenty-six, chapter four hundred and seventeen, Private Laws of one thousand nine hundred and five, be amended as follows: After the word "that," in line one of said section and before the word "a" in said line and section, add the following: "The mayor of the said town of Richlands shall have the power to appoint"; and after the word "town" and before the word "shall," in said line in said section, insert the word "who." Appointment of policemen.

Sec. 4. That section twenty-seven, chapter four hundred and seventeen, Private Laws of one thousand nine hundred and five, be amended as follows: After the word "annually," in line one of said section, and before the word "publish," in line one of said section, insert the following words: "on or before the second Tuesday in May"; and at the end of said section twenty-seven add the following words: "The fiscal year of said town shall end on the second Tuesday in May." Publication of statement. Fiscal year.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 388.

AN ACT TO AMEND THE PUBLIC LAWS OF 1905 IN REGARD TO MOORESVILLE GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Clerk.

Section 1. Strike out the word "secretary" in section eight, lines six, seven, eleven, fifteen, and section thirteen, line three, and section fifteen, line three, and section sixteen, line three, and insert in lieu thereof the word "clerk."

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 389.

AN ACT TO AMEND CHARTER OF THE TOWN OF LIBERTY IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter sixteen of the Private Laws of one thousand and eight hundred and eighty-nine be amended by adding at the end of section five of said chapter the following words, to wit: "And said commissioners shall have the power to require every owner of a lot, or persons having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been or may hereafter be established, to improve, curb, pave, and repair in such manner as the board of commissioners may direct such sidewalks as far as it may extend along said lot; and on failure to do so within thirty days after notice by the town constable to said owner or lessee, or if he be a non-resident of the county of Randolph, to his agent, or if such non-resident have no agent in said county or a personal notice cannot be served upon the owner or agent, then after publication of the notice by said town constable for thirty days in some newspaper published in said county, calling on the owner to make such repairs or have such work done, the said commissioners shall cause the same to be improved, curbed, paved, or repaired, at their discretion and with such material as they may deem best, and the expenses shall be paid by the person in default. Said expenses shall be a lien on said lot, and if not paid within six months after the completion of said repairs or work, such lot may be sold, or enough of the same to pay said expenses and costs, under the same rules and regulations as now prescribed for sale of lands for unpaid town taxes; that in the event any of said notices are

Lot owners to improve sidewalks.

Work done by town on default of owner.

Expense a lien on lot. Collection.

Service of process.

required to be served outside said town of Liberty, that the officers now empowered to serve the process of the Superior Courts shall be required to serve said notices.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 390.

AN ACT TO INCORPORATE DUNN AND CLINTON RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That M. H. Tilghman and M. H. Tilghman, Jr., of the State of Virginia; G. M. Tilghman and E. F. Young, of the State of North Carolina, and H. L. Tilghman and Charles Tilghman, of the State of South Carolina, and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body corporate and politic and to exist for the term of sixty years under the name and style of Dunn and Clinton Railroad Company, and in that name sue and be sued, plead and be impleaded, contract and be contracted with, shall have power to adopt a common seal and change the same at will, and shall be capable of taking by purchase, gift, or any other way real or personal property, and holding leases, conveying or of dealing with the same; and for the purpose of enabling the corporation to do all things and acts necessary for its purpose it is hereby invested with all the rights, privileges, immunities, and powers conferred upon railroad companies by chapter sixty-one of the Revisal of one thousand nine hundred and five, entitled "Railroad Companies," and amendments thereto, and to make by-laws and regulations consistent with the laws of this State and the laws of the United States for the government of all under its authority, for the management of its estate, and for the due and orderly conduct of its affairs. Corporators. Incorporation. Corporate name. Corporate powers.

Sec. 2. That said company, upon its organization as hereinafter provided, shall have the power to survey, lay out, construct, equip, maintain, and operate by steam, electricity, or any other motive power a narrow-, broad-, or standard-gauged railroad with one or more tracks, and telegraph and telephone lines, from or near the station of Dunn, in the county of Harnett, to a point at or near Clinton, in the county of Sampson, and thence in an easterly direction through the counties of Sampson, Duplin, Pender, Onslow, New Hanover, Brunswick, and Carteret to any connection with any other railroad now constructed or to be hereafter constructed, or to any steamboat line now in operation or hereafter in opera- Power to construct and operate railroad. Telegraph and telephone lines. Beginning. Route and terminus.

Branch lines.

Connection with other tracks.

Tracks in towns or cities.

tion, with the right to project branch lines into Bladen, Cumberland, Johnston, Wake, and Durham counties, and in such other directions as may be decided by the board of directors of said corporation; and along all said routes the said company shall also have power to connect its tracks with any other railroad company now chartered or that may be hereafter chartered, and to lay down and use tracks through or into any town or city along its proposed line by and with the consent of the corporate authorities of such city or town.

Capital stock.

Shares.

Privilege of increase.

Proviso: fees and taxes.

Sec. 3. The capital stock of said company may be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege to increase the same from time to time as the stockholders may determine: *Provided*, that before increasing said capital stock above the amount of one hundred and twenty-five thousand dollars, they shall pay to the State fees and taxes provided by law upon such increase as may be made: *Provided, however*, that said company may organize and elect a board of directors when as much as five thousand dollars shall have been subscribed by solvent subscribers. The holder of stock in said company shall at all meetings of the stockholders be entitled, either in person or by proxy, to one vote for each share of stock held by him, and a majority of the stock shall constitute a quorum at all meetings of the stockholders. Subscriptions to the stock may be made in money, land, or other property, in bonds, stocks, credits, contracts, leases, options, mines, rights of way, and other rights and easements, labor or service, upon such terms as may be agreed upon or provided by the subscribers and board of directors of said company, and there shall be no individual liability upon takers or holders of said stock beyond the unpaid subscriptions thereto. If any subscriber to the stock of this company shall neglect or refuse to pay any installment of his subscriptions when it becomes due, as required by the board of directors, said board may declare his stock forfeited, as well as the previous payments thereon, to the use and benefit of said company, but before declaring it forfeited, the said stockholder shall have served upon him a notice in writing, in person or by deposit of said notice in the postoffice with the postage paid, directed to him at the postoffice near his usual place of abode, or to the postoffice address as given opposite his name to the subscription paper, and stating that he is required to make such payments within sixty days from the date of such notice, at such time and place as is named thereon; and at the expiration of said period of sixty days, if the subscription is still in default, the board of directors may exercise the power of forfeiture above conferred.

Proviso: organization.

Stock votes.

Quorum.

Payments of subscription.

Individual liability.

Collection of subscriptions.

Books of subscriptions.

Sec. 4. The corporators mentioned in this act shall have power to open books of subscription in person or by agent or agents at such place or places, either within or without the State, as any such majority may fix, and with or without notice, as such major-

ity may determine, and to keep the same open for such time and under such conditions, rules and regulations as they, the said majority, may deem necessary or expedient; and the said corporators, or a majority of them, and as they, the said majority, deem proper, after ten days notice served upon or mailed to the subscribers at such address as may be given opposite their names to such subscription paper, may call together the subscribers to the said shares of stock at any place within this State, and the said subscribers, or such of them as shall attend or send proxy, may then complete the organization of said company by electing a board of directors to consist of such members as they may determine, which board shall not be less than six nor greater than twelve, and such other officers as may be provided for, to be elected at the stockholders' meeting by the by-laws hereinafter provided for; and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of the said company may prescribe to be elected by the board of directors, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to complete the organization of the said company and to carry into effect the objects of this act; and to enable them to perfect their organization, they are hereby invested with and may enjoy all the rights, powers, liberties, privileges, immunities, and franchises pertaining to corporations under the general laws of the State.

Meeting for organization.

Directors.

President and other officers.

Sec. 5. The annual meeting of the stockholders shall be held on such day or days as is or may be prescribed by the by-laws, or if none be prescribed, then on such day as the stockholders may in a general meeting from time to time appoint, or, in the absence of such appointment by the stockholders, on such day as the board of directors may designate, and at such place within the State as shall be fixed from time to time by the board of directors. Notice of the annual meeting shall be sent to each stockholder by the secretary of the company in the way and manner provided for in the by-laws.

Annual meetings.

Notice to stockholders.

Sec. 6. A general meeting of the stockholders may be held at any time upon the call of the board of directors, or of the stockholders holding together one-tenth of the capital stock, upon their giving a notice, as provided for in section five, of the time and place of such meeting for at least ten days before the said meeting. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.

Called meetings.

Sec. 7. An election of directors shall be by ballot and shall be held at the annual meeting, unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any

Election of directors.

Term of office.

Vacancies.

vacancy that may occur in the directorate during the time for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their board or from among the stockholders, in such manner as the regulations of the company may prescribe, and shall hold their office until their successors shall be elected and assume their duties. There shall be a secretary and treasurer elected by the board of directors, and may be one and the same person. In the absence, at any meeting of the board of directors, of the president and vice president, or of the secretary, the board may appoint a president and secretary *pro tempore*. The board of directors shall have authority to adopt by-laws for the government of the corporation, subject, however, to amendment or repeal by the stockholders.

Election of president and other officers.

Term of office.

Secretary and treasurer.

President and secretary pro tempore.

By-laws.

Certificates and transfer of stock.

Sec. 8. The company shall issue certificates of stock to its members, and the stock may be transferred in such manner and form as may be prescribed in the by-laws of the company.

Power to purchase or lease other roads.

Power to sell or lease.

Power of leasing or purchasing company.

Sec. 9. That the said company may have power to take by purchase, lease, or otherwise, the railroad, franchises, and property of any other railroad, logging, or lumber road now constructed or that may hereafter be constructed in this State or elsewhere. It may assign or lease its property and franchises, or any part thereof, to any other railroad company incorporated by the laws of this or any other State, and the railroad company leasing or purchasing this road shall hold, own, and enjoy the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so leasing or purchasing shall be entitled to all the property, franchises, privileges, and immunities belonging or appertaining to the company incorporated by this act. And the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine.

Exercise of power.

Power of consolidation and merger.

Procedure for consolidation.

The company may have power to consolidate, merge, or pool its capital stock with any other corporation chartered by the laws of this State or any other State, and may lease or be leased, operate or be operated by such corporation by and with the consent of a majority of the stockholders of the respective corporations voting separately, and the consolidated corporation will become a new corporation under any name to be designated by the terms of the agreement, and a certified copy of the agreement shall be filed in the office of the Secretary of State, and shall be taken to be the agreement and act of consolidation of said corporation, and a copy of said agreement and act of incorporation, duly certified by the Secretary of State under his seal, shall be evidence of the existence of the new corporation, and the new corporation is hereby

Rights of new company.

invested with and shall have and possess all the corporate powers, rights and privileges, and be subject to all the duties and liabilities of the railroad incorporated by this act, together with all the property, powers, rights and privileges contained in the charter of the company or companies with which it becomes consolidated or merged, and such consolidated company may from time to time increase its capital stock to any amount that the stockholders of the consolidation may by a majority vote determine. The company incorporated by this act may subscribe to or purchase the capital stock, bonds, or credits of any other corporation now in existence, or hereafter projected in this State or elsewhere, and any other such company may subscribe to or purchase the stock, bonds, or credits of this company, and the company shall have power to represent its capital stock by it held in other companies through an agent or proxy appointed by the president of the company. This company shall have power to use any section or portion of its road, or other lines, before the whole of the same shall have been completed, and may charge toll for the transportation of passengers and freight on its road, and for the transmission of messages and for the use of its telegraph and telephone lines on any such section of its road or line: *Provided*, that nothing contained in this act shall be construed to allow said company to become the channel through which competing railroads, lines, or companies shall merge or consolidate.

Subscriptions to other companies.

Subscriptions by other companies.

Power to use sections of road.

Rates and toll.

Proviso: consolidation of competing companies.

Sec. 10. The company shall have the right and power, when necessary or convenient, to construct their said road across any public road or street, at such point as may be determined, or along the side of any public road: *Provided*, that the company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company. It shall likewise have the power to construct dams, culverts, trestles, bridges over and across streams, valleys, or depressions, and across any navigable stream or canal on its road. It shall likewise have the right to cross at a grade, over or under any other railroad constructed or that may hereafter be constructed at any point on its road, and to intersect, join, or unite its line of railway with any other such railroad upon the ground of such other company or companies at any point on its route, and to build turnouts, sidings, switches, and side-tracks and any other conveniences in furtherance of its object of construction, and may, in making intersection or connection with any other railroad, have all the rights, powers, and privileges conferred upon railroads by the laws of this State.

Crossing roads and streets.

Proviso: construction of new road.

Crossing streams, valleys, and depressions.

Crossing other railroads.

Junctions with other railroads.

Switches and side-tracks.

Sec. 11. Whenever for any cause this company is unable to agree with the owners of land or any railroad company owning any right of way, or any town or city owning any town or street or public way over or near which it proposes to extend its road for the purchase of such land or rights of way for its depot, road-

Petition for condemnation of land.

beds, quarries, or other purposes of the company, the said company may file a petition with the clerk of the Superior Court of the county in which the land lies, stating the object for which the land is desired, with a description and plat thereof. A copy of such petition, with a notice of the time and place when and where the same shall be heard by the clerk, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the hearing of the same by the clerk in the manner provided by law, and in the event that any of the persons interested in said cause are unknown or nonresidents of this State, such notice may be served by advertisement in the same way and manner as provided in the general law for the service of notice on nonresidents, and such advertisement shall state briefly the object of the application, and give a description of the lands to be taken. The clerk of the Superior Court shall thereupon appoint three disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time to be fixed in the order of appointment, not more than ten days after the appointment, unless a later date be fixed by consent, to assess the damages. The appraisers shall take into consideration the actual value of the land, together with the damage to the residue of the tract beyond the peculiar benefits to be derived in reassessment, which shall be of the fee-simple value of the property proposed to be taken by the company. The appraisers shall make their report to the clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds after being approved by the clerk, and payment of the damages assessed by the appraisers and proven by the clerk of the parties interested shall have the force and effect of an easement for such property to the company. Each party may appeal to the Superior Court, in term, from the approval or disapproval of the clerk: *Provided*, such appeal be prayed within ten days from the approval or disapproval of the clerk, and in such appeal may present such evidence as they may desire, and the trial shall be *de novo* in the court, but the burden of proof shall be upon the party objecting to the finding of the appraisal. If the said company shall pay to the parties, or in the court, the sum appraised by the appraisers, then and in that event the said company may enter and take possession of and hold said lands, notwithstanding the pendency of appeal, until final judgment is rendered on such appeal, and the appellant or the owner of the premises shall not be entitled to an injunction, restraining order, or other process that would hinder, delay, or obstruct the work. In the event that the true owner of the property taken as above mentioned is not notified, as above provided, then such owner may within two years, but not afterwards, petition the Superior Court of the county in which the land lies for an assessment of the value thereof, but no action for ejectment

Service of petition.

Service by publication.

Jury of view.

Measure of value.

Report.

Record of report.

Right of appeal.

Proviso: time for appeal.

Appeal not to delay work.

Limitation of actions.

shall be brought by him, nor the occupation or possession of the company in any wise disturbed unless within the time to be fixed by the court it shall fail to pay such damages as may be assessed for the value thereof: *Provided, however*, that in case the true owner be at the time of such occupation under any legal disability he may file a petition for an assessment of the damages within two years from the removal of such disability.

Proviso: persons under disability.

Sec. 12. The right of said company to condemn or take lands under this act shall be limited to a space of fifty feet on each side of its roadbed, measured from the middle line of same, except in case of deep cuts or high embankments, when the said company shall have a right to condemn as much in addition thereto as may be necessary for the construction of its road, and except, also, that for depots, warehouses, stations, station grounds, shops or yards, gravel pits, quarries, or other purposes necessary for the construction and operation of said road it may condemn not exceeding ten acres in any one place.

Limit of land condemned.

Sec. 13. That it shall be lawful for the said company, through its agents, superintendents, engineers, or other persons in its employ, to enter at any time upon all lands and waters for the purpose of exploring, surveying, and locating its line or lines upon the same and of making a plat or plats thereof.

Entry on land for surveys.

Sec. 14. That any county, township, city, or town along or near the line of the construction or proposed road of this company may subscribe to the capital stock of said company, either in money, bonds, securities, or other property, in the following manner: Upon the presentation of petition blanks signed by not less than ten per centum of the registered voters of the county, township, city, or town, to the board of commissioners of such county or other proper authorities of said city or township, requesting them to submit to the qualified voters of the county, city, town, or township where such petitioners may reside a proposition to subscribe a definite sum, to be named in said petition, and whether in money, bonds, or otherwise, to the capital stock of the company, the board of commissioners of said county or proper authorities of said city or town shall within thirty days order an election to be held in such county, township, city, or town, and submit to the qualified voters thereof the question of subscription to the capital stock of the said railroad company the amount specified in the petition, at which election all those qualified voters who are in favor of such subscription and who shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which there shall be written or printed the words "Against Subscription," and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of county, township, city, or town officers by the general election laws of the State; such election to be held after thirty days notice

Municipalities may subscribe to stock.

Petition for election.

Order for election.

Ballots.

Law governing election.

Notice of election.

thereof, specifying the amount of the proposed subscription, shall have been posted at the courthouse door of such county and at every polling place in such county where the election shall take place, and the returns thereof shall be made to the board of commissioners of said county, or to the proper authorities of the said city or town. If a majority of the qualified voters shall vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall meet and make such subscription and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate upon account of what county, township, city, or town they are issued. They shall be in denominations of not less than five hundred dollars and not more than one thousand dollars, and each shall run for such number of years, and bear such rate of interest, not exceeding the rate prescribed by law, as the petition and order of election shall indicate. They shall be signed, if issued by county or township, by the chairman of the board of county commissioners, and by the clerk of the said board, witnessed by the official seal thereof; and if issued by a city or town, they shall be signed by the mayor and treasurer of said city or town, witnessed by their official seal.

Bond issues.

Denominations.

Maturity and interest.

Authentication.

Special tax.

Sec. 15. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription who are legally empowered to levy other taxes shall, in order to provide for the payment of the bonds and the interest thereon to be issued under the preceding section, compute and levy each year at the time of levying their other taxes a sufficient tax upon the property and polls of said county, township, city, or town to pay the interest on the bonds issued on account of such county, township, city, or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity: *Provided*, in levying the said tax they preserve the equation between property and polls prescribed by the Constitution of the State. That the taxes levied as above shall be annually collected as other taxes, and it shall be paid by the collecting officer of said county, township, city, or town to the treasurer thereof, and the taxes levied and collected for this purpose shall be kept distinct from all other taxes and shall be used for the purpose for which they are levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing the said bonds, or in which there is a township issuing the said bonds, or the proper authorities of the city or town issuing said bonds: *Provided*, that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value thereof. In the event that the property, rights, franchises, or any part thereof of this company are hereinafter acquired under the

Proviso: constitutional equation.

Collection and settlement.

Tax kept separate.

Specific appropriation.

Investment of sinking fund.

Proviso: investment of sinking fund in bonds.

Transfer of subscriptions.

provisions of this act by any other company, the board of commissioners of any county making such subscriptions or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscriptions to such other company, as the payee and beneficiary thereof.

Townships and counties incorporated.

Sec. 16. For the purpose of this act all townships and counties along or near the line of the construction or proposed road of this company which may vote and subscribe to the capital stock of this company as provided by this act shall be and are hereby declared to be respectively bodies politic and corporate and vested with full power to subscribe as provided for in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liberties in respect to any of the rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which such township is located are hereby declared to be corporate agents of said township so incorporated and situated within the limits of said county respectively, for the purpose of issuing bonds of the said township or townships, and providing for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds and to provide a sinking fund as herein above mentioned; and the said board of county commissioners of any county subscribing to the capital stock of this company, or in which any township is situated subscribing to the capital stock, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders' meeting, or that may appoint an agent or proxy therefor. All provisions contained in any town charter in conflict with any of the provisions of this act are hereby repealed in so far as they are in conflict with this act.

Corporate agents.

Representation of stock.

Conflicting charters repealed.

Power to issue bonds by company.

Sec. 17. It shall be lawful for this company to issue coupons or registered bonds in such denominations and running for such time and bearing such rate of interest and payable at such time and place as the board of directors may direct, and to secure the payment of the same said company is authorized to execute one or more mortgages or deeds of trust to such persons or corporations as it may select, on all or any part of its real or personal property, franchises, or privileges; or in case the road be divided and built in sections, such mortgages or deeds of trust may be placed upon such separate sections, or on all and any part of its franchises, and in such manner as the company may direct; and it is hereby further provided that the registration of any mortgage or deed of trust provided to be executed in this section may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises con-

Mortgage.

Registration.

Sale of bonds.

veyed in such mortgages or deeds of trust. This company may, by the action of the stockholders or through its board of directors, sell, hypothecate, or otherwise dispose of the bonds authorized by this section to be issued, or any part of its stock, bonds, or mortgages.

Convicts.

Sec. 18. The board of directors of the penitentiary of this State, or any other State into which this company may extend its lines, may upon application of the president of this company, approved by the Governor of the State, turn over to said company convicts not otherwise appropriated or needed, in the discretion of the State board, not more than two hundred in number, to be worked on the construction of said road upon such terms as may be agreed upon, the said convicts to be guarded and superintended by authorities of the penitentiary, and to be hired to said company as is now or may hereafter be provided by law.

Stockholders not personally liable.

Sec. 19. The stockholders of this company or private individuals or corporations, public, private, or municipal, shall not be personally liable for the debts of the company.

Act not forfeited by nonuser. Proviso: time for organization.

Sec. 20. This act shall not be forfeited by nonuser: *Provided*, that the said company shall be organized within five years from the ratification of this act.

Sec. 21. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 391.

AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL, TO BE KNOWN AS "SALEM GRADED SCHOOL," IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Salem graded school district.

Section 1. That the territory within the following limits, in Mount Airy Township, Surry County, shall be and constitute the "Salem Graded School District": Beginning at Lovill's Creek, where the State line crosses said creek, and running east with said State line to Ararat River; thence down Ararat River to corporation line of the town of Mount Airy; thence west with said corporation line to Lovill's Creek to where the State line crosses Lovill's Creek, the beginning.

Boundary.

Trustees and terms of office.

Sec. 2. That for the purpose of this act there is created a board of school trustees of said district, and said board shall consist of five members, as follows: W. L. Gwyn, whose term of office shall expire at the end of one year; J. M. Perker, whose term of office shall expire at the end of two years; J. R. Hughes, whose term of office shall expire at the end of three years; George M. Sparger,

whose term of office shall expire at the end of four years; E. L. Brown, whose term of office shall expire at the end of five years; each to date from first Monday in May, one thousand nine hundred and thirteen. When the term of office of the above named trustees and their successors shall expire, successors shall be elected for a term of five years each, by remaining members of said board, and when any vacancy occurs in said board of trustees by death or resignation, the remaining trustees shall fill such vacancy for the period of time unexpired of the vacancy occurring.

Election and term of successors.

Vacancies.

Sec. 3. That the board of school trustees herein appointed and their successors shall have entire and exclusive control of the said school; shall employ and fix compensation of teachers, and do all other acts that may be necessary, just, and lawful for the successful management of said graded school; and said board of school trustees shall be a body corporate under the name of the "Board of Trustees of Salem Graded School," with the power to sue and be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants, or making purchases, of holding and selling property, both real and personal, for school purposes; of prosecuting and defending suits for and against the corporation hereby created. Conveyances and all other instruments to the said board shall be made to them and their successors in office, and all deeds and other agreements shall be deemed sufficiently executed when signed by the chairman and secretary of said board of trustees.

Exclusive control of school.

Incorporation.

Corporate name.

Corporate powers.

Conveyances, deeds, and agreements.

Sec. 4. That all public school funds derived from the State and county for the use and benefit of said school district shall be paid by the treasurer of Surry County to the treasurer of said board of trustees for the use of said graded school; and the property of said district shall become the property of said graded school and shall be vested in said board of school trustees in trust. Said treasurer of said board of trustees shall give bond approved by the county board of education of Surry County in such sum as may be fixed by said county board of education.

Apportionment from general funds.

Property vested.

Bond of treasurer.

Sec. 5. That the special tax in said district which is levied and collected under the public school law shall continue to be levied by the county commissioners of Surry County and collected as formerly by the Sheriff of Surry County.

Special tax.

Sec. 6. It shall be the duty of the Sheriff of Surry County to turn over such special taxes as may be collected under section five of this act to the treasurer of the board of school trustees herein provided for, who shall pay the same for exclusive use and benefit of said graded school only upon the warrant or order signed by the chairman and secretary of said board of school trustees.

Taxes to be turned over to school treasurer.

Warrant on school funds.

Sec. 7. That all financial and statistical reports of said graded school district shall be annually made to the county superintendent of public instruction and county board of education of [Surry County].

Reports.

Sec. 8. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 392.

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS OF 1899, IT BEING THE CHARTER OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-nine of the Private Acts of one thousand eight hundred and ninety-nine be amended and reënacted so as to read as follows:

Fire limits.

Section twenty-nine. That no wooden building shall be built on that part of Evans Street lying between Second Street on the north and the northern line of graded school lot and a continuation of the last said line eastward across the Forbes lot, on the south:

Proviso: buildings replaced.

Provided, however, that any dwelling between these points now standing, that may be removed, burned, or otherwise destroyed, may be replaced.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 393.

AN ACT TO AMEND SECTION 1, CHAPTER 41 OF THE PRIVATE LAWS OF 1895, RELATIVE TO INCORPORATION OF FRIEDENS EVANGELICAL LUTHERAN CHURCH.

The General Assembly of North Carolina do enact:

Power to hold property.

Section 1. That section one of chapter forty-one of the Private Laws of one thousand eight hundred and ninety-five be amended by striking out ten thousand dollars ($10,000) in said section and inserting in lieu thereof twenty thousand dollars ($20,000), so that Friedens Evangelical Lutheran Church may be able to own twenty thousand dollars ($20,000) worth of property instead of ten thousand dollars ($10,000).

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 394.

AN ACT TO AMEND CHAPTER 250 OF THE PRIVATE LAWS OF 1911, CONCERNING THE LISTING AND COLLECTING OF TAXES IN AYDEN SCHOOL DISTRICT IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and fifty of the Private Laws of one thousand nine hundred and eleven be amended by adding to said chapter the following sections and words:

Sec. 2. That the said board of trustees are hereby empowered to appoint some competent person to list all property and polls in said special-tax district. Trustees to appoint tax lister.

Sec. 3. That the taxes in said district shall be levied by the commissioners of the town of Ayden; collected by the town tax collector, by him paid over to the town treasurer, who shall keep said funds separate from all other funds and paid out by said treasurer upon an order signed by the chairman and secretary of the board of trustees of said school; said board of trustees shall audit the account of the fund with the treasurer at least once each year, and oftener if they deem it necessary. Levy and collection of tax. Funds kept separate. Audit of accounts.

Sec. 4. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 395.

AN ACT TO INCORPORATE ZION ACADEMIC AND INDUSTRIAL INSTITUTE OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That R. J. Beverly, G. W. Baucom, B. F. Tillman, Daniel Diggs, J. F. Davis, B. B. Sturdivant, B. J. Parson, J. Ratliff, F. C. Chambers, P. Q. Davis, Robert Baucom, J. R. Faison, Sandy Ingram, and their successors be and are hereby declared a body politic and corporate under the name and style of Zion Academic and Industrial Institute, an institute of learning for the intellectual, moral, religious, and industrial development and training of the negro youth, situated at Wadesboro, North Carolina, Anson County; conducted under the auspices of the Zion Baptist Association, colored. This institution under the aforesaid name and style shall have perpetual succession and a common seal, and shall be able in law to sue and be sued, plead and be impleaded, contract and be contracted with; shall take, receive, and possess all moneys, goods, chattels, and bonds which may be given them Corporators. Corporate names. Corporate powers.

and shall apply the same according to the wish of the donors to the purpose herein declared, and they shall have power, by purchase or otherwise to take, demand, hold, and possess rents, lands, machinery, appliances, tenements, and hereditaments in special trust and confidence, and apply the same, together with the benefits arising therefrom, for the use of or support of said institution.

Election of trustees.

Sec. 2. That all the trustees shall be elected by said Zion Association in regular session, except in case of death, disqualification, or removal from office on the part of a member, whose place shall be supplied by the board of trustees until the next meeting of said association.

Terms of trustees.

Sec. 3. That the full term of office of trustees shall be three years: *Provided*, that at the annual meeting of the Zion Association, October the nineteenth (19), nineteen hundred thirteen (1913), the said board shall be divided into three classes of equal number: the term of office of the first class shall be one year from meeting of said association; of the second class, two years; and of the third, three years; and if any one of the trustees shall fail to attend a meeting of the said trustees continuously for a term of one year, the association, at a regular meeting, may declare his seat vacant and proceed to fill the vacancy.

Proviso: trustees classified.

Trustees to report annually.

Sec. 4. That said trustees shall give a full and accurate report of the status and financial condition of the said school at each annual session of said association.

Local executive committee.

Sec. 5. That the trustees shall have power to appoint a local executive committee to perform such duties as may be designated by said trustees.

Organization.

Sec. 6. That said trustees shall have the power to appoint their own president, vice president, secretary and treasurer, and the right to elect a principal of above named school and such professors, tutors, and officers as they shall think proper; they shall also have the power to make all rules and regulations, not inconsistent with the laws of this State, for the government of said school.

Principal and tutors.

Rules and regulations.

Faculty.

Sec. 7. That the principal and professors of said Zion Academic and Industrial Institute shall be the faculty thereof, and with the advice and consent of the trustees shall have power to grant certificates, diplomas, as they may think best.

Certificates or diplomas.

Annual meetings.

Sec. 8. That said trustees shall hold an annual meeting at the close of each spring term, and such other meetings from time to time as necessity may require. Five trustees present shall constitute a quorum at all meetings for the transaction of business after five days notice of time, place, and object of meeting shall have been given verbally or mailed to all members of said board of trustees.

Quorum.

Powers in holding property.

Sec. 9. That said trustees are hereby empowered to receive donations, legacies, and to hold property, both real and personal, for educational purposes; but said trustees shall not have power to

Purchases of property and incurring debts.

purchase property and contract debts, or pledge their credit or the credit of said association without the authority and consent of a two-thirds vote of said association in its annual meeting; with the consent, however, of said association so obtained, the said trustees may purchase real estate, sell, convey, or lease any of their property, pledge their faith or credit, borrow money for the necessary expenses of the said institution or for the purpose of making improvements in their property, advancing the cause of education within said association; to execute notes for sums borrowed and to secure the same by mortgage or deed of trust.

Disorderly conduct forbidden.

Sec. 10. That no person or persons shall discharge firearms or explosives, give or in any manner dispose of spirituous, vinous, malt, or other intoxicating liquors, swear or use profane language, smoke, dispose of or give away cigars, cigarettes, or smoking tobacco on land or within buildings owned or leased by said institution: *Provided further*, that no person or persons shall drink any intoxicating liquor of any kind or be intoxicated or under the influence of intoxicating liquor of any kind whatsoever on the lands of or within any building or buildings owned or leased or in the possession of said Zion Academic Industrial Institute. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Proviso: drinking or being drunk forbidden.

Misdemeanor.

Punishment.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 396.

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AND TO ESTABLISH A CIVIL SERVICE FOR THE FIRE DEPARTMENT.

The General Assembly of North Carolina do enact:

That subsection (*k*) of section fifty-eight of chapter one of the Private Laws of North Carolina, session one thousand nine hundred and seven, be and the same is hereby stricken out and the following substituted in lieu thereof:

(*k*) That "they may provide for the establishment, organization, and equipment of fire companies on examination in person. When elected as chief, assistant chief, or as a member of the fire companies, none shall be removed from office except for good causes as hereinafter set out; no person shall be elected as a member of the fire department until he shall have stood and passed a satis-

Fire companies.

Removal except for cause forbidden.

Examination for appointment.

factory examination in accordance with such rules as may be formulated by the fire department under the supervision of the fire committee of the board of aldermen, and all the vacancies occurring in the fire department shall be filled by promotion of those who have stood the examination and such persons as those who become members of the fire department, and shall not be removed from office unless displaced for good and sufficient causes as hereinafter set out.

Vacancies filled by promotion.

Chief to formulate rules and requirements.

The chief of the fire department, under the supervision of the fire committee of the board of aldermen, shall formulate rules and requirements for entrance to the fire department and shall formulate the rules for the conduct of the fire department, which shall be binding upon the members thereof. Any charge preferred against any member of the fire department shall be in writing, of which the member shall be given due notice, and after due notice he shall be tried upon the said charge by the chief of the fire department, and in case of conviction, the member shall then have the right to appeal to the fire committee of the board of aldermen, and the chief shall then transmit to the fire committee all said papers in relation thereto, and appear and prosecute before the fire committee. The said member so charged shall have a trial before the fire committee, which shall be held in public; if the member is then convicted by the fire committee, he shall have the right to appeal to the board of aldermen, and the fire committee shall turn over to them all papers relative to the said charges. The board of aldermen, after due notice of said charge, with the chief of the fire department, shall hear the charges in public meeting; if the member is then convicted, or if the member is convicted by the chief or fire committee, and does not after said conviction appeal to either the fire committee or the board of aldermen, he shall be dropped from the enrollment of the fire department. No member of the fire department shall be turned out unless upon the charge of insubordination, neglect of duty, pernicious activity in the city elections, disobeying rules or regulations, or such other causes as may be set out by the chief of the fire department. In case of fire, the mayor, the chief of the fire department, or any of the aldermen of the city of Raleigh may, if they deem necessary to stop the progress of the fire, cause any houses to be blown up or pulled down, and may cause the removal of any other property, for which they or the city of Raleigh shall not be responsible: *Provided*, nothing in this act shall be construed to prevent the board of aldermen or governing body of the city of Raleigh from reducing or increasing the number of officers or employees of said fire department or the compensation of the officers and members of said department.

Charges in writing.

Trial on charges.

Appeal to fire committee.

Trial by fire committee.

Appeal to aldermen.

Trial by aldermen.

Causes for dismissal.

Destruction of houses in arresting fire.

Proviso: reduction or increase of force and pay.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 397.

AN ACT TO ESTABLISH ANTIOCH GRADED AND HIGH SCHOOL DISTRICT IN HOKE COUNTY, AND TO PERMIT SAID DISTRICT TO VOTE $10,000 OF BONDS.

The General Assembly of North Carolina do enact:

Election to be ordered.

Section 1. That the board of commissioners of Hoke County, upon the written application of a majority of the committee in Antioch School District, shall order an election to be held in said district at such a time and place as said board of commissioners may determine to decide the question, "Shall the Antioch Graded and High School District in Hoke County issue bonds, not to exceed in amount ten thousand dollars, to be used as is hereinafter provided?" The question to be decided by a majority of the qualified voters within said territory hereinafter described and bounded by the boundaries herein given, to wit: Beginning where the Big Marsh intersects the Hoke and Robeson County line, and runs with said marsh up its various courses to J. A. and M. H. McPhaul's land (Conly place), thence with J. A. and M. H. McPhaul's line of the Conly place; thence with J. A. McPhaul's, J. H. Conly's and M. H. McPhaul's lines, so as to include their places, to Mrs. Ida Currie's line; thence with her line to the Lumberton Road; thence with the said road to the crossroads at Susan Livingston; thence with Red Springs and Raeford Road to McKeithan's line; thence with his line and J. N. Maxwell's to the Wiley Ford; thence with J. A. Hodgin's line and Tom McBryde's line to Tom Purcell's upper line; thence a direct line to the old still place at Dorothy Adams; thence with Maxton Road, so as to include the lands of J. F. and A. A. McEachern, to the Red Springs and Bowmore Railroad; thence with said railroad to the Hoke County line; thence with said Hoke County line (the dividing line between Robeson and Hoke) to the Big Marsh to the beginning.

Question to be voted on.

Decision by majority of qualified voters.

Boundary of territory.

Name of district.

Sec. 2. That upon the ratification of this act by majority of the qualified voters residing in the above described territory, the name of said taxing district shall be changed and shall be "Antioch Graded and High School District," and the board of trustees hereinafter named and their successors in office be and they are hereby constituted a body corporate by the name and style of the "Board of Trustees of Antioch Graded and High School District."

Trustees incorporated.

Corporate name.

County commissioners to order election.

Sec. 3. That upon said request of a majority of trustees as aforesaid, it shall be the duty of said board of county commissioners of Hoke County to order an election to be held in said district hereinbefore described at such time and place as they may deem proper, and that said board of commissioners shall at least thirty days preceding such election give notice of said elec-

Notice of election.

tion and purpose thereof by publication in one or more newspapers in said county and at such other places as may be determined upon by it.

Law governing election.

Sec. 4. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all of the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper: *Provided further*, that said board of county commissioners shall appoint a registrar and two judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of county commissioners on Thursday next following the election, and said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of the election shall be necessary. That at said election those in favor of the provisions of this act shall vote a ballot with the words written or printed "For School Bonds" upon it, and those not in favor of the provisions of this act shall vote a ballot with the words "Against School Bonds" written or printed upon it.

Proviso: new registration.

Proviso: appointment of election officers.

Registration and challenges.

Count and return of votes.

Tabulation, declaration and record of result.

Ballots.

Issue of bonds.

Sec. 5. That if a majority of votes cast in said election shall be "For School Bonds" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Hoke County to prepare bonds in denominations not less than one hundred dollars and not exceeding one thousand dollars, the total amount not to exceed ten thousand dollars, which said bonds shall bear a rate of interest not greater than six per cent per annum, with interest coupons attached payable semi-annually at such time or times, at such place or places, as said board of commissioners may determine, and the principal whereof shall be payable or redeemable at such time or times not exceeding thirty years from date of issue as said board of county commissioners of Hoke County may determine; and said bonds and coupons attached thereto shall be signed by the chairman of the board of county commissioners of Hoke County and countersigned by the clerk of said board, and that said bonds shall have upon them the seal of the county.

Denomination.

Amount.

Interest.

Maturity.

Authentication.

Bonds delivered to treasurer.

Sec. 6. That upon the preparation, signing, and executing of said bond, said board of county commissioners shall deliver the same to the treasurer of the school fund in Hoke County, who

shall sell said bonds at such time and in such manner as the said board of trustees for the Antioch Graded and High School may direct; that none of said bonds or the proceeds thereof shall be used by said board of trustees for any other purpose than that provided by this act, namely, to enlarge, build, or equip suitable school buildings for the said district. Said bonds shall be numbered consecutively, and the coupons attached shall bear the number of the bonds to which they are attached. The bonds and coupons shall state the time and place when they are due and when payable. The said board of education of Hoke County shall record all the proceedings in respect to said bonds in the minutes of its meeting, and when sold the number of the bond or bonds, the denomination, to whom sold, and the number of coupon attached.

Sale of bonds.

Specific appropriation.

Record of bonds.

Sec. 7. When the said bonds are issued and sold the proceeds thereof shall be deposited with the treasurer of the school fund of Hoke County, and the same shall be expended by said board of trustees in such manner and for such uses and purposes as the majority of the trustees herein mentioned shall direct; that the said treasurer shall keep said funds provided for in this act which may come into his hands separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duty in this respect the said treasurer shall execute an official bond, payable to the State of North Carolina, to the use of said trustees, in the usual manner, in such an amount as the board of county commissioners may direct. That the county treasurer shall be commissioner of the sinking fund, and so much thereof as may not be needed for the redemption of the bonds which mature from time to time shall be invested in good securities under the supervision of the county board of education of Hoke County.

Proceeds of bonds paid to treasurer.

Funds kept separate.

Bond of treasurer.

Commissioner of sinking fund.

Investment of sinking fund.

Sec. 8. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a price less than par, nor shall said bonds or the proceeds thereof be used for any other purposes than those declared in this act.

Sale below par forbidden.

Specific appropriation of proceeds.

Sec. 9. That for the purpose of providing for the payment of said bonds and the interest thereon the board of commissioners of Hoke County shall annually, and at the time of levying the county tax, commencing with the fiscal year beginning next after the ratification of this act by a majority of the qualified voters of the district as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory hereinbefore described, under the provisions of Revisal, section four thousand one hundred and fifteen, shall levy an additional and particular special tax on all persons and property subject to taxation within the above described territory, sufficient in amount to pay the interest on said bonds and to provide a sinking fund for the payment of said bonds at their maturity.

Additional special tax.

Collection and settlement of tax.

Sec. 10. That said taxes shall be collected by the Sheriff of Hoke County at the time and in the manner that the county taxes are collected and shall be paid by him to the treasurer of the county school fund: *Provided*, that the treasurer shall first enter into a bond as is herein provided.

Proviso: treasurer to give bond.

Trustees named.

Sec. 11. That J. A. Hodgin, J. A. McPhaul, and J. C. D. Gibson be and they are hereby constituted and appointed the board of trustees of said Antioch Graded and High School District, and they shall hold their offices from the first Monday after the first month after the ratification of this act by a majority of the qualified voters of said district, until the first Monday in July of the year one thousand nine hundred and fifteen, and their successors shall be appointed by the county board of education of Hoke County in the same manner that the committees for the other schools in the county are appointed. All vacancies on said board of trustees caused by death, resignation, removal from the district, or otherwise shall be filled by the county board of education of Hoke County. The office of trustee in said school shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina.

Term of office.

Election of successors.

Vacancies.

Trustees not officers.

Organization of trustees.

Sec. 12. That after the ratification of this act by a majority vote of the qualified voters residing in said territory, said board of trustees at their first regular meeting, and annually thereafter on the first Monday of July in each year, shall elect from their number a chairman and a secretary. The secretary shall keep the minutes of all meetings, and shall attest the signature of the chairman to all legal documents and shall be the custodian of the corporate seal, and shall issue by order of the board all orders or warrants for the payment of money. It shall be the duty of said board of trustees to make annually to the board of education of Hoke County such reports as the said board of education may require, and said board of trustees shall not employ as a teacher in said school any person who shall not be entitled to teach in the public schools of Hoke County under the general school law. The board of trustees shall have the right to admit to said graded and high school students or pupils not entitled to the benefits of said schools, and to charge, collect, and receive from such student or pupil such tuition as may be fixed by said board of trustees.

Duties of secretary.

Annual reports.

Teachers.

Pay pupils.

Existing taxes continued.

Sec. 13. That in case a majority of the qualified voters of the above territory shall not vote "For School Bonds" nothing herein contained shall interfere with the collection of the taxes for the special taxing district which now constitutes said territory, but in such case said special taxing district and the trustees thereof shall remain as at present constituted.

Further election.

Sec. 14. That in case a majority of the qualified voters shall not vote "For School Bonds" at the election herein provided for, the board of commissioners of Hoke County, upon the petition of one-tenth of the qualified voters residing in the above described terri-

tory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint two judges and a registrar for said election, the time and place of election to be determined by said board of commissioners and the machinery of said election so far as applicable to be as herein provided.

Present tax laws continued in force.

Sec. 15. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be voted for the issue of bonds shall be over, above, and separate and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of Revisal, section four thousand one hundred and fifteen; and upon the ratification of this act by a majority of the qualified voters of said graded school district the special or particular taxes herein provided for shall be levied and collected over, above, and in addition to the special school taxes now levied and collected under authority of law.

Sec. 16. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 17. That this act shall be in full force and effect subject to the provisions hereof, and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 398.

AN ACT TO INCORPORATE THE TOWN OF LINDEN IN THE COUNTY OF CUMBERLAND.

The General Assembly of North Carolina do enact:

Town incorporated.
Corporate name.
Corporate powers.

Section 1. That the town of Linden, in the county of Cumberland, be and the same is hereby incorporated by the name and style of the "Town of Linden," and is hereby invested with all the powers, rights, privileges, and immunities enumerated in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, entitled "Towns," and all laws amendatory thereof, and subject to the restrictions and liabilities specified in the same, not inconsistent with this act.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at an iron stake at a point north eighty degrees, thirty degrees east, two thousand two hundred and fifty-eight feet from the center of the Raleigh, Charlotte and Southern Railroad, where the center of Main Street crosses said railroad, and is north seventy-three and one-half feet from the center of the old Smith's Ferry Road, and running thence south thirty-two degrees, thirty

degrees west, one thousand seven hundred and eighty-three feet to a stake; thence south eighty-five west two thousand five hundred and sixty-one feet to a stake; thence north fifty west two thousand and seventy-six feet to a stake at the southwest corner of the cemetery near Parker's Grove M. E. Church; thence north five hundred and twenty-four feet to a stake; thence north fifty-six east one thousand one hundred and eighty-one feet to a stake; thence north eighty-six degrees twenty degrees east four thousand one hundred and twenty-eight feet to a stake; thence south one thousand and fifty-two feet to the beginning, as per survey of the same made on February twelfth, one thousand nine hundred and thirteen, by M. O. Bullard, surveyor.

Mayor and commissioners. Mayor to preside and break ties.

Sec. 3. That the officers of said corporation shall consist of a mayor and five commissioners. The mayor, when present, shall preside at the meetings of the board of commissioners, but shall not be entitled to vote except in case of a tie. In the absence of the mayor, the board of commissioners may elect one of their number as mayor *pro tempore;* but the mayor *pro tempore* shall not be entitled to vote except in case of a tie. The following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and thirteen, and until their successors are elected and qualified, to wit: D. L. McBryde, mayor; Alexander McArtan, Theophilus Byrd, W. G. Dean, R. D. Collier, and R. R. Bell, commissioners. Said officers, before entering upon the discharge of their duties, shall take and subscribe to an oath to support the Constitution of the United States and the Constitution and laws of the State of North Carolina, and shall have power to appoint a constable and other officers, and all the other powers enumerated in section two thousand nine hundred and twenty-five of the Revisal of one thousand nine hundred and five.

Mayor pro tempore.

First officers named.

Officers to qualify.

Power of commissioners.

Town elections.

Sec. 4. That it shall be the duty of the commissioners to provide for an election on the first Monday in May, one thousand nine hundred and thirteen, and annually thereafter, according to the laws of the State and of this act; and the officers shall hold their offices until their successors are elected and qualified.

Persons entitled to vote.

Sec. 5. All qualified electors of the State who have been residents of the town for ninety days prior to any election in said town shall be entitled to vote.

Legislative powers.

Sec. 6. That the commissioners of said town shall have power to pass all ordinances, rules and regulations necessary for the good government of the town, not inconsistent with the laws of this State or the United States, and to levy and collect a tax on all subjects of taxation not exempt by law, not to exceed fifty cents on each one hundred dollars worth of property and one dollar and fifty cents on each poll, and to impose fines for the violation of town ordinances and to collect the same, which shall go into the hands of a town treasurer, whom the mayor and commissioners may elect, for the benefit of the town. Said commissioners shall

Taxing powers.

Punishments.

Abatement of nuisances.

also have power to abate all nuisances and may impose such fines and penalties as may be necessary to abate them; and said commissioners may also levy and collect such privilege taxes as may be reasonable and just and not prohibited by law, upon the various kinds of business, trades, and occupations. Privilege taxes.

Sec. 7. That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor; but the punishment thereof, upon conviction, shall not exceed a fine of fifty dollars or imprisonment more than thirty days. Violation of ordinances misdemeanor. Punishment.

Sec. 8. That it shall be unlawful for any person or persons to manufacture or sell any spirituous liquors, or to sell any wine, cider, malt liquors, or any other intoxicating drink within the limits of said town or within one and one-half miles of the outer limits of said town; and the commissioners of said town shall never have any power or authority to grant to any person, firm, or corporation any license or permit to sell, within the corporate limits of said town, any drink of any kind containing as much as one-half of one per cent of alcohol. Prohibition.

Sec. 9. The commissioners of said town shall have the right to have laid out therein all necessary streets, lanes, and alleys and land for all other such purposes as may be necessary and convenient for the use of said town, and, to these ends, such lands may be acquired by gift, grant, and condemnation, in the manner herein prescribed. Should the commissioners of said town be unable to acquire for said town by gift or purchase such lands as may be necessary for streets and the other purposes herein enumerated, it shall be the duty of the mayor to appoint three freeholders of the town, who are not officials therein and who are not of kin, by blood or marriage, to any person whose land is sought to be condemned, to appraise the value of the land necessary for such purposes, and the mayor shall, at the same time, cause a notice to be served upon the landowner whose land is desired for the use of the town, notifying him of the appointment of such appraisers and at what time said appraisers will act in assessing the value of the land, and also giving to such landowner a reasonable description of the land desired by the town. Should the owner of said land be a minor without guardian, or should any minor without guardian have any interest therein, it shall be the duty of the mayor, at the time of the appointment of appraisers and the service of notice, to at once notify the Clerk of the Superior Court of Cumberland County of the facts and procure the appointment of a proper guardian *ad litem* to represent said minor. Should the landowner, or any person interested in such land, be a nonresident of the State, the mayor shall cause proper publication, giving notice of proposed action by the town, to be made for four successive weeks in some newspaper published in Cumberland County. As to all residents of this State, said appraisers may act after ten days notice; and as to nonresidents, at any time after Powers of commissioners as to streets. Condemnation of land for streets.

four weeks publication above provided. Said appraisers, before acting, shall be sworn, before some person authorized to administer oaths, to honestly and truly assess the value of the land so sought to be condemned, and, after taking into consideration the quality and quantity of the land aforesaid and the inconveniences likely to result to the owner, shall estimate and assess the damages, and shall also estimate and deduct therefrom any special benefits which the said owner will receive by reason of the use to which said land is to be put by the town. Said appraisers or any two of them, within three days after making such appraisement, shall report in writing to the mayor and the landowner their action hereunder, giving an accurate description of the lands so condemned and appraised by them. At any time within ten days after the filing of the report by the appraisers, either the town or the landowner may appeal from the action of said appraisers to the Superior Court of Cumberland County, and, in case of such appeal, the proceeding in the Superior Court shall be analogous, as far as consistent herewith, with the proceeding prescribed by chapter sixty-one, V, Revisal of one thousand nine hundred and five of North Carolina, entitled "Eminent Domain." Should no appeal be taken from such assessment within ten days after notice, the action and report of the appraisers shall be final, and the town, in such case, shall pay, within sixty days thereafter, to the landowner, the amount of such appraisement. All reports of appraisers shall be recorded in full in the minutes of the town, and in said minutes shall also be recorded the names and descriptions of all streets and of all other lands owned by the town.

Right of appeal.

Payment of appraisal.

Record of appraisal.

Sec. 10. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 399.

AN ACT TO INCORPORATE THE TOWN OF HOFFMAN IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

General law applicable.

Section 1. That the village of Hoffman, in the county of Richmond, be and the same is hereby incorporated under the name and style of the town of Hoffman, and shall be subject to all the provisions contained in chapter seventy-three (73), volume one (I) of the Revisal of one thousand nine hundred and five of North Carolina, and all amendments thereto not inconsistent with this act.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a point three-fourths of a mile, a line south thirty-

four degrees fifty minutes east, from present depot at Hoffman and runs then north fifty-five degrees ten minutes east six thousand six hundred feet to a corner; thence north thirty-four degrees fifty minutes east, seven thousand nine hundred twenty feet to a corner; thence south thirty-four degrees fifty minutes east, seven thousand nine hundred and twenty feet to a corner; thence north fifty-five degrees ten minutes east five thousand two hundred and eight feet to the point of beginning.

Town officers. Sec. 3. That the officers of said town shall consist of a mayor and five commissioners and such other officers as the board of commissioners may elect.

First officers named. Sec. 4. That until the election hereinafter provided for, the mayor and five commissioners provided for in the preceding section of this act shall be as follows: Mayor, J. W. Butler; commissioners, A. H. McDonald, G. C. Baldwin, M. B. Cameron, G. A. Ingram, and A. J. Butler, who shall hold their respective offices until their successors are elected and qualified.

Town elections. Sec. 5. There shall be held on the first Monday in May, nineteen hundred and fourteen, and annually thereafter, in some convenient place in said town to be designated by said commissioners, an election for mayor and five commissioners, under the laws of the State prescribing the manner of election for municipal officers.

Sec. 6. That all laws or clauses of laws in conflict with this act shall be and the same are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 400.

AN ACT TO RATIFY, APPROVE, AND CONFIRM ARTICLES OF INCORPORATION ISSUED ON THE 29TH DAY OF MAY, 1911, BY THE SECRETARY OF STATE TO THE MOSES H. CONE MEMORIAL HOSPITAL, INCORPORATED, AND TO CONFER ADDITIONAL POWERS UPON THE SAID CORPORATION, AND TO PROVIDE FOR ITS FUTURE GOVERNMENT.

Preamble: charter under general law. Whereas a charter was granted by the Secretary of State of the State of North Carolina to The Moses H. Cone Memorial Hospital, Incorporated, by articles of incorporation issued on the twenty-ninth day of May, one thousand nine hundred and eleven; and whereas, under and by virtue of said articles of incorporation, The Moses H. Cone Memorial Hospital, Incorporated, was organized and the charter accepted at Greensboro, North Carolina, on the thirty-first day of May, one thousand nine hundred and eleven;

Preamble: company organized.

Preamble: deeds and gifts to company.

and whereas Mrs. Bertha L. Cone, widow of Moses H. Cone, deceased, has executed deeds and conveyances of gift of a large amount of property, both real and personal, to said corporation, reserving, however, during her life the income on the same, which donations and gifts have been duly accepted by the said corporation upon the terms, conditions, and limitations set out in said conveyances; and deeds therefor have been duly recorded in the registries of the counties of Guilford and Watauga, North Carolina; and whereas it is the desire of the said donor and the said corporation that an act of the General Assembly of North Carolina be passed granting perpetual succession to said corporation and providing for a change in the name of said corporation, and for the perpetual government of the same in accordance with the terms and conditions contained in certain articles of agreement: Now, therefore,

Preamble: desire for legislative charter.

The General Assembly of North Carolina do enact:

Incorporation, organization, and acts ratified.

Section 1. That the articles of incorporation issued by the Secretary of State of the State of North Carolina on the twenty-ninth day of May, one thousand nine hundred and eleven, upon the application of Bertha L. Cone, Etta Cone, Cæsar Cone, Bernard M. Cone, James H. Pou, and Robert R. King, under which the said applicants and John M. Bernhardt, George W. Watts, H. A. Foushee, and R. A. Doughton were authorized and empowered to form and organize themselves into a corporation under the name and style of The Moses H. Cone Memorial Hospital, Incorporated; and the acts of the said incorporators in organizing said corporation under the said name at Greensboro, North Carolina, on the thirty-first day of May, one thousand nine hundred and eleven, and the conveyance to the said corporation by the said Mrs. Bertha L. Cone of a large amount of property, both real and personal, and the acceptance of said conveyances and gifts of said property by said corporation, upon the terms, conditions, and limitations set out in said conveyances, be and the same are hereby in all respects fully ratified, approved, and confirmed.

Name changed.

Sec. 2. That the name of the said corporation be and the same is hereby changed by omitting therefrom the word "Incorporated"; and hereafter the name and style of the said corporation shall be, and forever remain, "The Moses H. Cone Memorial Hospital," and under such name it may contract and be contracted with, sue and be sued, and have perpetual succession, and a common seal, which seal said corporation through its governing body may change or alter at pleasure; and that said governing body shall be known and designated as "The Board of Trustees of the Moses H. Cone Memorial Hospital."

Corporate name.

Corporate powers.

Principal office.

Sec. 3. That the location of the principal office of this corporation shall be in or near the city of Greensboro, in the county of Guilford, State of North Carolina.

Sec. 4. That the objects for which this corporation is formed and given perpetual succession are as follows: In its corporate name to build, establish, own, conduct, and maintain one or more hospitals, with the necessary appliances and equipment, and any and all other necessary and suitable buildings in the county of Guilford, or in any other county or counties in the State of North Carolina, for the reception and treatment of persons who may need medical or surgical treatment or attention; the training of nurses, and the giving and receiving of instructions by lectures or otherwise, or both. Objects of corporation.

Sec. 5. That the said corporation may, in its corporate name, acquire, receive, take, hold and own, by gift, devise, or otherwise, property of all kinds, that is to say, personal, real, and mixed, without restriction as to quantity or value thereof, absolutely, in trust or otherwise, and apply the income therefrom or principal thereof under and as provided by the terms of the gift, devise, instrument or instruments under which it may or shall acquire such property, with full power to sell, transfer, invest, reinvest, or loan on such satisfactory security as the board of trustees may think advisable and for the best interest of the said corporation: *Provided, however*, that the said board of trustees shall in no way violate any condition of or otherwise appropriate any property which the said corporation has or may hereafter acquire otherwise than as provided by the terms of the gift, devise, instrument or instruments under which it may have or shall acquire such property. Power to acquire and hold property.

Sec. 6. That this corporation shall have no capital stock. No capital stock.

Sec. 7. That the board of trustees elected by the incorporators at their meeting held in Greensboro, North Carolina, on the thirty-first day of May, one thousand nine hundred and eleven, shall hold office and control the affairs of the said corporation in accordance with the charter until the second Wednesday in May, one thousand nine hundred and thirteen, at twelve o'clock noon, and thereafter until their successors shall have been appointed and qualified; and the members of the said board of trustees elected as aforesaid to hold office until the said second Wednesday in May, one thousand nine hundred and thirteen, are as follows: Board of trustees. Term of office.

Names of trustees.

Bertha L. Cone.....Blowing Rock, N. C.
Etta Cone.....Baltimore, Md.
Cæsar Cone .....Greensboro, N. C.
Bernard M. Cone.....Greensboro, N. C.
John M. Bernhardt.....Lenoir, N. C.
George W. Watts.....Durham, N. C.
H. A. Foushee.....Durham, N. C.
R. A. Doughton.....Sparta, N. C.
James H. Pou.....Raleigh, N. C.
Robert R. King.....Greensboro, N. C.

Officers and terms of office.

That Bertha L. Cone shall be president of said corporation until the said second Wednesday in May, one thousand nine hundred and thirteen, and until her successor shall have been elected and qualified; and that Cæsar Cone shall be secretary and treasurer of the corporation until the said second Wednesday in May, one thousand nine hundred and thirteen, and until his successor shall have been elected and qualified.

Rules, regulations, and by-laws.

Sec. 8. That the board of trustees of said corporation and their successors in office shall have power to make all such rules, regulations, by-laws, and ordinances as they may deem necessary or useful for the conduct, government, and maintenance of said corporation and the management of its affairs; and they may alter, amend, or rescind the same at pleasure by a vote of a majority of the said board of trustees; and the said board of trustees shall have full power to prescribe the classes of patients, as regards diseases, who shall be admitted or refused or dismissed: *Provided, however*, that no patient shall be refused admission nor be discharged because of inability to pay.

Classes of patients.

Proviso: no patient disqualified by inability to pay.

Powers under general law.

Sec. 9. That in addition to the powers herein expressly set out, this corporation shall have and enjoy all the powers and privileges conferred by the general corporation law of this State upon corporations of like character, in so far as may be necessary to carry out fully the purposes of this corporation.

Successors to present trustees.

Sec. 10. That from and after noon on the second Wednesday in May, one thousand nine hundred and thirteen the said corporation shall be governed by a board of trustees, which shall then and thereafter consist of fifteen (15) members, which said board of trustees shall have and exercise all the powers hereinbefore and hereinafter conferred upon the board of trustees, and shall be known and designated as "The Board of Trustees of the Moses H. Cone Memorial Hospital"; and shall have perpetual succession and shall hold and administer the property, franchises, and effects of the corporation, and shall receive, in the name and on behalf of the corporation, any property and gifts and carry out fully the trusts imposed upon the said board of trustees. That the said board of trustees shall be designated and appointed as follows, that is to say:

Nomination and appointment of trustees.

Mrs. Bertha L. Cone shall have the power to nominate and appoint eight (8) members of said board of trustees; and she may nominate and appoint herself as one of the said eight members; and the said power of appointing said eight members of said board of trustees shall be vested in the said Mrs. Bertha L. Cone so long as she may live; and if during the term of office of the said eight members to be nominated and appointed by the said Mrs. Bertha L. Cone any one or more should die, resign, or otherwise become disqualified, it shall be the duty of the said Mrs. Bertha L. Cone to thereupon immediately appoint some one to fill the unexpired term of the said trustee so dying, resigning, or

otherwise becoming disqualified. But the said Mrs. Bertha L. Cone may resign said right of appointment, either in whole or in part, at any time, by filing with the said board of trustees an instrument, duly executed, whereby she may surrender said right of appointment, either in whole or in part. After the death of the said Mrs. Bertha L. Cone, or after the renunciation by her of her right to appoint said eight members of said board of trustees as aforesaid, whenever vacancies shall occur by expiration of term of office, death, resignation, or otherwise, all vacancies among the said eight trustees originally appointed by the said Mrs. Bertha L. Cone shall be filled by election by the board of trustees, a majority vote determining said election; and the member or members so elected shall serve for the term elected and until his successor shall have been elected and qualified.

Nominations and appointments by governor.

That of the remaining seven (7) members of the said board of trustees, three (3) members, and their successors forever, shall be nominated and appointed by the Governor of North Carolina and his successors in office; and it is hereby made the duty of the Governor of North Carolina to nominate and appoint three (3) members of said board of trustees prior to the second Wednesday in May, one thousand nine hundred and thirteen, and to issue to said members so nominated and appointed by him a commission or certificate of appointment; and as the terms of office of the said three members of the said board of trustees shall hereafter expire, the Governor of North Carolina and his successors in office shall thereafter, prior to the second Wednesday in May of the year in which their terms shall expire, nominate and appoint their successors; and if during the term of office of the three trustees to be so designated and appointed by the Governor of North Carolina any one or more should die, resign, or otherwise become disqualified, it shall be the duty of the Governor and his successors to thereupon immediately appoint some one to fill the unexpired term of the said trustee so dying, resigning, or otherwise becoming disqualified.

Successors and vacancies.

Appointments by city of Greensboro.

That of the said remaining four (4) members of the said board of trustees, one member, and his successors forever, shall be appointed by the board of commissioners of the city of Greensboro and their successors in office; and the said board of commissioners of the city of Greensboro shall appoint and designate said trustee prior to the second Wednesday in May, one thousand nine hundred and thirteen; and upon the expiration of his term of office the said board of commissioners of the city of Greensboro and their successors in office shall thereafter nominate and appoint his successor; and if a vacancy should occur, caused by the death, resignation, or disqualification of the trustee so appointed, it shall be the duty of the said board of commissioners of the city of Greensboro to immediately nominate and appoint his successor, who shall hold office for the unexpired term and until his successor shall have been appointed and qualified.

Successors and vacancies.

Appointment by Guilford county.

That of the said remaining three (3) members of the said board of trustees, one member, and his successors forever, shall be appointed by the board of commissioners of the county of Guilford and their successors in office; and the said board of commissioners of the county of Guilford shall appoint and designate said trustee prior to the second Wednesday in May, one thousand nine hundred and thirteen; and upon the expiration of his term of office, the said board of commissioners of the county of Guilford and their successors in office shall thereafter nominate and appoint his successor; and if a vacancy should occur, caused by the death, resignation, or disqualification of the trustee so appointed, it shall be the duty of the said board of commissioners of the county of Guilford to immediately nominate and appoint his successor, who shall hold office for the unexpired term and until his successor shall have been appointed and qualified.

Successors and vacancies.

Appointment by Watauga county.

That of the said remaining two (2) members of the said board of trustees, one member, and his successors forever, shall be appointed by the board of commissioners of the county of Watauga and their successors in office; and the said board of commissioners of the county of Watauga shall appoint and designate said trustee prior to the second Wednesday in May, one thousand nine hundred and thirteen; and upon the expiration of his term of office the said board of commissioners of the county of Watauga and their successors in office shall thereafter nominate and appoint his successor; and if a vacancy should occur, caused by the death, resignation, or disqualification of the trustee so appointed, it shall be the duty of the said board of commissioners of the county of Watauga to immediately nominate and appoint his successor, who shall hold office for the unexpired term and until his successor shall have been appointed and qualified.

Successors and vacancies.

Appointment by Guilford county medical society.

That the remaining member of the said board of trustees, and his successors forever, shall be appointed by the Guilford County Medical Society, its successors, or such body or organization or society as may hereafter succeed to the powers and duties now exercised and performed by the said Guilford County Medical Society; and the said Guilford County Medical Society shall appoint and designate said trustee prior to the second Wednesday in May, one thousand nine hundred and thirteen; and upon the expiration of his term of office the said Guilford County Medical Society, or such body, organization, or society as may hereafter succeed to the powers and duties now exercised and performed by said Guilford County Medical Society, shall thereafter nominate and appoint his successor; and if a vacancy should occur, caused by the death, resignation, or disqualification of the trustee so appointed, it shall be the duty of the said Guilford County Medical Society to immediately appoint and nominate his successor, who shall hold office for the unexpired term and until his successor shall have been appointed and qualified.

Successor.

That all appointments of trustees made by the Governor of North Carolina, the board of commissioners of the city of Greensboro, the board of commissioners of the county of Guilford, the board of commissioners of the county of Watauga, and the Guilford County Medical Society, and their successors, shall be for a term of four (4) years, commencing at noon on the second Wednesday in May, one thousand nine hundred and thirteen; and the terms of office of the eight members of the said board of trustees to be nominated and appointed by the said Mrs. Bertha L. Cone shall be as follows: Four (4) shall hold office for two years from and after noon of the second Wednesday in May, one thousand nine hundred and thirteen, and the other four (4) members shall hold office for four years from and after noon of the second Wednesday in May, one thousand nine hundred and thirteen; and thereafter their successors shall be appointed or elected, as herein provided, for a full term of four years. Terms of appointments.

It shall be the duty respectively of the Governor of North Carolina, the board of commissioners of the city of Greensboro, the board of commissioners of the county of Guilford, the board of commissioners of the county of Watauga, and the Guilford County Medical Society, and their successors, immediately upon designation of the trustee or trustees to be appointed by them, to certify the same to The Moses H. Cone Memorial Hospital, at Greensboro, North Carolina, not later than the second Wednesday in May, one thousand nine hundred and thirteen, and thereafter as the appointments shall be made by them; and the said Governor and the said boards of commissioners and said Guilford County Medical Society are authorized and empowered to issue to their said nominees and appointees such certificates of appointment as they may deem proper. That upon the death, resignation, or disqualification from any other cause of any member of the board of trustees, it shall be the duty of the president or secretary of said corporation to immediately certify the said vacancy to the person, officer, board, or society having the power to appoint the successor; and it shall thereupon be the duty of such person, officer, board, or society to immediately make and certify the appointment of the successor of such trustee. Certificates of appointments. Certificates of vacancies.

Sec. 11. That if any vacancy shall occur prior to the second Wednesday in May, one thousand nine hundred and thirteen, in the board of trustees named in the seventh section of this act, Mrs. Bertha L. Cone shall have the right to fill such vacancy by appointment; and her said appointee or appointees shall hold office until the said second Wednesday in May, one thousand nine hundred and thirteen, and until their successors shall have been appointed and qualified. Vacancies occurring before final organization.

Sec. 12. That the members of the board of trustees shall receive no compensation whatever, except actual and necessary expenses incident to or connected with the performance of his duties as Compensation of trustees.

such trustee, or as a member of some committee, or while performing some duty especially imposed upon him by the said board of trustees.

Notification for appointments.

Sec. 13. That it shall be the duty of the corporation to notify such person, officer, board, or society having power to nominate and appoint trustees, of the expiration of the term of office of any trustee appointed by such person officer, board, or society, at least two (2) months prior to the expiration of the term of office of such trustee; and when a vacancy occurs in the board of trustees by death, resignation, or other disqualification, it shall be the duty of the corporation to immediately notify the person, officer, board, or society having authority hereunder to nominate and appoint the successor that such vacancy exists.

Acceptance of charter.

Sec. 14. That this act shall be null and void unless prior to the first day of May, A. D. one thousand nine hundred and thirteen, the said corporation, through its board of trustees named in the seventh section hereof, shall have, by a majority vote, accepted the same as the act of incorporation and subject to all the terms hereof, and shall have certified its said act of acceptance to the Governor of this State, the board of commissioners of the city of Greensboro, the board of commissioners of the county of Guilford, the board of commissioners of the county of Watauga, and the Guilford County Medical Society. Upon said acceptance by the said board of trustees, this act shall become effective and shall thereafter be and remain the sole instrument of government and charter of said corporation; and that after the acceptance by the said corporation, through its board of trustees, of this act, the corporation created hereby shall succeed to and be vested with all the rights, powers, privileges, franchises, property, and estate now belonging to the said The Moses H. Cone Memorial Hospital, Incorporated; and no deed or conveyance shall be necessary to transfer the said rights, powers, privileges, franchises, property, and estate from the said The Moses H. Cone Memorial Hospital, Incorporated, to The Moses H. Cone Memorial Hospital, chartered and incorporated by this act.

Certificates of acceptance.

Act effective upon acceptance.

Rights and powers vested.

Sec. 15. That this act shall be in force (subject to the conditions aforesaid) from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 401.

AN ACT RELATIVE TO ELECTIONS TO BE HELD IN THE CITY OF CHARLOTTE ON THE 6TH DAY OF MAY, 1913.

Preamble: election on proposed charters.

Whereas there will be held an election in the city of Charlotte on the eighteenth day of April, one thousand nine hundred and thirteen, to determine the kind of charter that shall be the organic

law of the city of Charlotte, as provided in two certain acts of the General Assembly of North Carolina of one thousand nine hundred and thirteen, one act being entitled "An act to revise the charter of the city of Charlotte" and the other being entitled "An act to provide a commission form of government for the city of Charlotte"; and whereas a new registration of all the voters of said city desiring to vote in said election has been provided for by law as set out in said acts:

Preamble: new registration.

The General Assembly of North Carolina do enact:

Section 1. That the registration books used at the various voting precincts in the city of Charlotte in the election held on the eighteenth day of April, one thousand nine hundred and thirteen, to determine the kind of charter that shall constitute the organic law of said city, shall be used in all the municipal elections to be held on the sixth day of May, one thousand nine hundred and thirteen, in all matters voted upon on said date: *Provided*, the said registration books shall be reopened for registration of voters on the nineteenth day of April, one thousand nine hundred and thirteen, and kept open for such purpose to and including the third day of May, one thousand nine hundred and thirteen.

Registration for city election.

Proviso: additional registration.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 402.

AN ACT TO PERMIT C. L. DUNCAN OF BEAUFORT, CARTERET COUNTY, NORTH CAROLINA, TO PROPAGATE THE DIAMOND-BACK TERRAPIN.

The General Assembly of North Carolina do enact:

Section 1. That C. L. Duncan of Beaufort, Carteret County, North Carolina, is hereby given permission and empowered to cultivate and propagate the diamond-back terrapin at one place in the waters of Carteret County, North Carolina: *Provided*, that the said person thus empowered to propagate said diamond-back terrapin shall not in any way at any time interfere with eggs laid by the wild diamond-back terrapin in its natural haunts: *Provided further*, that after January first, nineteen hundred and fifteen, no undersized terrapin shall be caught or taken for propagating or for any other purpose during the closed season prescribed by law in regard to catching terrapin.

Propagation authorized.

Proviso: eggs not interfered with.

Proviso: undersized terrapin.

Sec. 2. That for and in consideration of the privilege granted by the State of North Carolina to the said C. L. Duncan to propagate the diamond-back terrapin, the said C. L. Duncan shall, in

Consideration for grant of privilege.

order to obtain the benefits of this act, begin and continue the cultivation and propagation of the diamond-back terrapin in a manner that is considered and declared feasible and practicable by the United States Bureau of Fisheries: *Provided*, that if at any time the said C. L. Duncan shall violate any of the laws of the State of North Carolina regarding the diamond-back terrapin in the waters thereof, then this permit shall become void and the said C. L. Duncan shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

Proviso: violation of law to avoid permit.

Misdemeanor.

Punishment.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 403.

AN ACT TO AMEND CHAPTER 409 OF THE PUBLIC LAWS OF 1899, AND CHAPTER 573 OF THE PUBLIC LAWS OF 1903, AND CHAPTER 131 OF THE PRIVATE LAWS OF 1909, RELATING TO THE ESTABLISHMENT OF PUBLIC SCHOOLS IN WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Election on increase of school tax.

Section 1. That the board of aldermen of the city of Washington are hereby authorized and empowered to submit to the qualified voters in said city, at such time or times as may be deemed advisable by them, the question whether the annual tax now levied in said city for the support of public schools in said city shall be increased over and above forty-five cents on the one hundred dollars worth of property and one dollar and thirty-five cents on the poll, as heretofore authorized, and the said election shall be held under the same rules and regulations as govern the election of municipal officers in said city.

Rate of increase.

Law governing election.

Ballots.

Sec. 2. That at the election held under the provisions of this act those favoring the levying of such increased tax shall vote a written or printed ballot with the words "For Schools" upon it, and those opposed to the levying of such increased tax shall vote a printed or written ballot with the words "Against Schools" upon it; that said election shall be advertised by said board of aldermen for thirty days prior to the date of said election in one or more newspapers in said city, and the said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by said board of aldermen, and who shall be the same as shall be appointed to hold the regular municipal election; and the returns of the result of said election shall be made and certified by the said election officers to the board of aldermen, and the result thereof shall be canvassed by the said board of

Advertisement of election.

Election officers.

Returns and canvass.

aldermen and duly declared; that the same registration of voters in the regular municipal election shall be applicable to this election; that when the result of said election shall be canvassed and declared, as aforesaid, the same shall be taken as *prima facie* evidence of the regularity of said election and shall be deemed conclusive of the fact therein stated as to whether a majority of the qualified voters of said city shall have voted in favor of the said proposition; that the result of said election shall be certified by the mayor and the clerk of said board of aldermen, under the corporate seal, to the Secretary of State, who shall receive and file and record the same in his office.

Effect of election.

Certificate of result.

Sec. 3. That if a majority of the qualified voters in said city shall vote at said election in favor of levying such increased tax for the support of the public schools in said city, it shall be the duty of the board of aldermen of said city and their successors to levy at their first meeting in May following said election, and annually thereafter, a special tax of not exceeding fifty-five cents on the one hundred dollars valuation of real and personal property and other property taxed by the laws of North Carolina in said city, and not exceeding one dollar and sixty-five cents upon each poll, observing the constitutional equation. Within the limitation above recited, the board of aldermen shall levy such a rate of tax upon property and polls as may be directed by the board of school trustees of the city of Washington, and said board of school trustees shall annually determine the amount of revenue necessary to be raised for school purposes, and the rate of taxation, and certify the same to the said board of aldermen prior to the regular time for levying said taxes. Said taxes shall be levied and become due and be collected annually by the city tax collector as and at the same time as other general taxes are levied and are due and collectible.

Levy of tax.

Limit of rate.

Constitutional equation.

Rate directed by school trustees.

Levy and collection of tax.

Sec. 4. That chapter four hundred and nine, Public Laws of one thousand eight hundred and ninety-nine, ratified on the sixth day of March, one thousand eight hundred and ninety-nine, and chapter five hundred and seventy-three of the Public Laws of one thousand nine hundred and three, and chapter one hundred and thirty-one, Private Laws of one thousand nine hundred and nine, ratified on the twenty-fifth day of February, one thousand nine hundred and nine, shall be and remain in full force and effect, except as modified by this act.

Laws continued in force.

Sec. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 404.

AN ACT TO AMEND CHAPTER 27 OF THE PRIVATE LAWS OF 1909, WHICH ACT AMENDS AN ACT TO AUTHORIZE THE TOWN OF CANTON TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That section seven of the Private Laws of one thousand nine hundred and nine be and the same is hereby repealed, and the following enacted in its stead:

Treasurer of town ex officio school treasurer.

Sec. 2. That the treasurer of the town of Canton shall be *ex officio* the treasurer of the board of trustees of the Canton Graded School; he shall receive all moneys coming into the town treasury

Warrants on school funds.

for school purposes, and shall pay out the same only on a proper warrant signed by the chairman and countersigned by the secre-

Bond of treasurer.

tary of the board of trustees of the Canton Graded School. The bond of the treasurer of the town of Canton shall be made sufficient to cover the moneys belonging to the said graded school fund.

Sec. 3. That all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 4. This act shall be in force from and after the second day of June, one thousand nine hundred and thirteen.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 405.

AN ACT TO REPEAL CHAPTERS 354 AND 355 OF THE PRIVATE LAWS OF 1911, RELATIVE TO TIME FOR HOLDING MUNICIPAL ELECTIONS IN THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Law repealed.

Section 1. That chapter three hundred and fifty-four of the Private Laws of one thousand nine hundred and eleven be and the same is hereby repealed.

Law repealed.

Sec. 2. That chapter three hundred and fifty-five of the Private Laws of one thousand nine hundred and eleven be and the same is hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1913.

CHAPTER 406.

AN ACT TO AMEND CHAPTER 402, PRIVATE LAWS OF 1903, IT BEING AN ACT TO AMEND CHARTER OF THE TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

Section 1. That section one (1) of chapter four hundred and two, Private Laws of one thousand nine hundred and three, be amended by striking out the figures "one thousand eight hundred and ninety-five" in line one (1) and inserting in lieu thereof the figures "one thousand eight hundred and eighty-five." Reference corrected.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 407.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF CLINTON TO ISSUE BONDS AND TO PAY AND FUND ITS FLOATING DEBT.

Whereas the commissioners of the town of Clinton have heretofore contracted indebtedness to meet the necessary expenses of said town, the widening and improvement of streets, the purchase of fire equipment, the purchase of real estate, and construction of waterworks, to an amount in excess of ten thousand dollars; and the said commissioners of the town of Clinton desire to issue long-time bonds in a sum not exceeding ten thousand dollars, for the purpose of funding said indebtedness, and further desire to procure authority to levy taxes to pay the interest on the bonds so issued, and to provide a sinking fund to meet the principal when it shall become due: Now, therefore, Preamble: deb heretofore contracted.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the town of Clinton be and they are hereby authorized to issue bonds in an amount not exceeding ten thousand dollars, par value, for the purpose of funding the debt of said town, contracted for necessary expenses and purposes aforesaid. Bond issue authorized. Amount. Purpose.

Sec. 2. That the bonds authorized by this act shall be negotiable coupon bonds and in denominations of not less than five hundred dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed six per centum per annum, payable semiannually on the first day of January and the first day of July of each year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said commissioners Denominations. Interest. Maturity.

of the town of Clinton and named therein, not to be less than five years nor more than thirty years from date thereof: *Provided, however*, that the said commissioners of the town of Clinton may divide said bonds into classes, as they may determine best, and have them mature at convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor or intendant of police, and countersigned by the clerk of the commissioners of said town of Clinton, and the corporate seal of said town affixed thereto; and the coupons thereto attached shall bear the facsimile signature of the mayor or intendant of police engraved or lithographed thereon; that a record shall be kept of said bonds, showing the numbers and denominations thereof, to whom sold, the dates of the issuing thereof, when the same will mature, and the interest-bearing rate thereof, the amounts received from sale of same, and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as the commissioners of said town may direct to be kept. Both the principal and interest of said bonds may be made payable in gold coin of the United States of the present state of weight and fineness.

Proviso: division into classes.

Authentication.

Record of bonds.

Payable in gold coin.

Sale of bonds.

Sec. 3. That the said bonds shall be sold at public auction or at private sale, as the commissioners of said town may determine, for not less than their par value and accrued interest; and the proceeds of said bonds, including any premium received upon the sale thereof, shall be only applied to the floating indebtedness of the said town of Clinton contracted for its necessary expenses, and the purchaser of said bonds shall not be bound to see to the application of the purchase money thereof to said purpose.

Sale below par forbidden. Specific appropriation.

Purchaser not responsible for application.

Funds kept separate.

Sec. 4. That the treasurer of the said town shall keep separate from all other moneys coming into his hands the money arising as proceeds from the sale of said bonds, and none of said bonds shall be issued or disposed of either by sale, exchange, hypothecation, or otherwise, for any purpose whatever other than the payment of the present floating indebtedness, due or contracted, of the said town of Clinton.

Resolution for issue of bonds.

Sec. 5. That the resolution of the commissioners of said town determining the form of said bonds and such other resolutions as may be necessary relative to their issue may be introduced and passed at the same meeting of said commissioners, which meeting may be either a regular or special meeting, by a majority vote of all the commissioners present at said meeting. No other or further proceeding except as herein provided shall be necessary for the issuance of such bonds, and all bonds issued in accordance with the provisions of this act shall be legal, valid, and binding obligations of the said town.

Obligation of bonds.

Special tax.

Sec. 6. That the commissioners of the town of Clinton may levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls of said town sufficient to pay

the interest on the bonds issued under this act as the same become due, and also, on or before the time when the principal of said bonds becomes due, may levy and collect a further special tax to pay the same or to provide for the payment thereof. Should said tax be so levied, the same shall be levied upon the taxable property in said town and shall be an *ad valorem* tax, and the tax upon the polls and property shall be in proportion required by the Constitution of this State. Said special tax shall be levied and collected at the same time as other taxes upon the property and polls of said town.

Levy of tax.

Constitutional equation.

Levy and collection.

Sec. 7. That any and all proceedings of the said commissioners of the said town in advertising for proposals to purchase said issue of bonds, and in accepting the highest bid therefor, be and they are hereby duly authorized.

Proceedings authorized.

Sec. 8. That this act shall be in force from and after its ratification; and all laws or parts of laws inconsistent or in conflict with the same are hereby repealed, so far as the same are inconsistent or in conflict therewith: *Provided*, this act shall not be construed to repeal any part of chapter two hundred and forty-six, Private Laws of North Carolina, session one thousand nine hundred and eleven.

Act effective.

Repealing clause.

Proviso: law not repealed.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 408.

AN ACT TO INCORPORATE THE TOWN OF WADE, IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Wade, in Cumberland County, be and the same is hereby incorporated by the name and style of the "Town of Wade," and as such it shall have all the rights and privileges provided in this act and as contained in chapter seventy-three of the Revisal of one thousand nine hundred and five.

Town incorporated.

Corporate name.

Corporate powers.

Sec. 2. That the corporate limits and boundaries of said town shall be as follows: Beginning at an iron pin, the center line of the main line of the Atlantic Coast Line Railroad, N. 48° 02′ E. 2640′ from the center of a street 66′ wide, said street running at right angles with said railroad and center of the 66′ street aforesaid, being 172′ N. 48° 02′ E. of present depot of the Atlantic Coast Line Railroad; thence N. 41° 58′ W. 2640′ to stone No. 1; thence S. 58° 02′ W. 5280′ to stone No. 2; thence S. 41° 58′ E. 5280′ to stone No. 3; thence N. 48° 02′ E. 5280′ to stone No. 4; thence No. 41° 58′ W. 2640′ to the beginning.

Corporate limits.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, three commissioners, and a town constable or police officer, who shall be elected in the manner hereinafter provided: *Provided*, that the following shall be the officers of said town until the election to be held in May, one thousand nine hundred and fourteen, viz.: Mayor, P. W. Olive; commissioners, H. E. Matthews, Alexander McNeill, Jr., and Williams Evans; constable, E. M. Gibson.

Proviso: first officers named.

Town elections.

Sec. 4. That there shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand nine hundred and fourteen, and in each year thereafter on said date, and the said elections shall be held under the same rules and regulations which govern the election of members of the General Assembly.

Law governing elections.

Legislative powers.

Sec. 5. That the said commissioners shall have the power and authority to make all such by-laws, rules, regulations, and ordinances as may be necessary for the government and control of the said town. The said commissioners shall have the right to levy and collect, as State and county taxes are collected, a tax on all subjects of taxation not exceeding thirty (30) cents on the one hundred dollars ($100) worth of property and ninety (90) cents on the poll, and they may impose and collect such fines for the violation of the ordinances of said town, not exceeding fifty dollars ($50), as they may deem necessary.

Taxing power.

Limit of fines.

Application of taxes.

Sec. 6. That the said commissioners shall have the power and authority to apply the taxes collected under the provisions of this act in the improvement of the streets and sidewalks of said town, and to the payment of the necessary expenses of the government thereof.

Powers as to sidewalks and streets.

Sec. 7. The said board of commissioners shall have the power and authority to lay out and open all such sidewalks and streets in said town as it may deem necessary.

Prohibition.

Sec. 8. That the manufacture and sale of spirituous, vinous, malt, or other intoxicating liquors are forever prohibited within the corporate limits of said town.

Sec. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 10. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 409.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Election of general manager.

Section 1. That the management of the business affairs of the city of Monroe be and the same is hereby vested in an officer, to be styled the General Manager, who shall be elected by the board of aldermen at their first meeting in May, one thousand nine hundred and thirteen, or as soon thereafter as practicable, who shall give bond, payable to the city of Monroe, in such an amount as the board of aldermen may require, for the faithful performance of duty and accounting for such money as shall come into his hands by virtue of his office; shall receive a salary, to be fixed by the board of aldermen, of not less than twelve hundred dollars ($1,200) nor more than eighteen hundred dollars ($1,800) per annum, payable monthly. The said general manager shall hold office for a period of two years: *Provided*, that he may be removed by the board of aldermen at any time for cause, and the said board shall elect a successor to fill out the unexpired term.

Bond and salary.

Term of office.

Removal for cause.

Purchasing agent.

Sec. 2. The general manager shall be the purchasing agent of the board of aldermen of the city of Monroe, and all property, supplies, necessaries, and material of every kind whatsoever shall, upon the order of the board, be purchased by him, and when so purchased the bills therefor shall be submitted to and proved by the board before vouchers are issued therefor. All disbursements of the city shall be upon vouchers issued in numerical order by a designated agent of the city and countersigned by the general manager; that each voucher issued by him shall state the specific purpose for which said voucher is issued and he shall issue no voucher for miscellaneous items; that all vouchers and books of the city shall be open to public inspection between the hours of ten a. m. and two p. m.; that the form of said voucher shall be prescribed by the city attorney.

Approval of bills.

Vouchers.

Vouchers and books open for inspection.

Form of voucher.

General manager to require reports.

Sec. 3. That the general manager may require any and all persons working for the city of Monroe or in its employ to file any and all reports as to the condition of the different departments of the city's business, may require them to attend any and all meetings of the board, and may suspend any and all employees for nonperformance of duty, and if said suspension be not appealed to the board, shall be permanent; but the employee shall have thirty days in which he may appeal to the board, and if the action of said manager be not sustained, he shall continue in the employment of the city; otherwise, he shall be permanently discharged.

Power to suspend employees.

Right of appeal.

Collection of taxes and accounts.

Sec. 4. The general manager shall have oversight and management of the collection of all taxes, water and light and sewerage

Tax collector and assistants.

rent and all accounts due the city from any and all sources, and for that purpose, subject to the approval of the board of aldermen, may appoint a tax collector and such other assistants as shall

Duties prescribed.

be necessary for properly conducting the city's affairs. He shall prescribe the duties of all officers, agents, and persons employed

Supervision of employees.

by him. He shall see that all employees of the city are competent to fill the position for which they have been employed and that all such employees are looking after the interest and welfare of the city of Monroe.

Offices consolidated.

Sec. 5. The position of clerk and secretary and treasurer and tax collector may be filled by one and the same person, and the general manager, subject to the approval of the board, may appoint some one to perform any part of the functions of said offices and prescribe his duties and salary.

Minutes of aldermen.

Sec. 6. The general manager shall attend in person all meetings of the board, shall keep correctly the minutes of the board, preserve all books, papers, and other valuables of the city, and deliver

Itemized accounts.

the same to his successor. He shall keep or have kept a detailed itemized statement of all moneys received by him or any one for

Monthly reports and recommendations.

him, and shall file a written report with the mayor the first day of each month of all receipts and disbursements, together with a report as to the condition of each department of the city's business, together with any recommendations that he may see fit to make.

General manager subject to aldermen.

Sec. 7. That the general manager shall at all times be under the control of and management of the board of aldermen, and any and all of his acts shall be subject to review and consideration and control by the said board.

Number and election of aldermen.

Sec. 8. That hereafter there shall be but four aldermen for the city of Monroe, one alderman to be elected from each ward as said wards are now laid out by the charter of the city of Monroe.

Departments.

Sec. 9. That the aldermen of said city may divide the management of the affairs of said city into such departments as they shall

Monthly inspection and reports.

deem for the best interest of the government of said city, and shall require one member of the board, accompanied by the general manager, to personally inspect and review each department every thirty days and make a concise statement to the next regular monthly meeting of the board of the condition in which said department is in and the manner in which said department is being managed by the city's employee in charge thereof, together with any recommendations that he shall see fit for the better management of said department.

Notice of proposition for franchise.

Sec. 10. That no franchise or grant of powers to the use of the streets of the city of Monroe shall be granted to any person, firm, or corporation by the board of aldermen until a notice shall be given in a newspaper published in the city of Monroe for two successive weeks, giving notice of a meeting of the board for the purpose of hearing any and all citizens who are opposed to the granting of any such franchise.

Sec. 11. That the board of aldermen at their first meeting in May, one thousand nine hundred and thirteen, or as soon thereafter as practicable, shall elect a chief of police for the city of Monroe and prescribe his duties, salary, and term of office. The chief of police may thereupon appoint his assistants, but all of said appointments shall be subject to the approval of the board before becoming effective. Chief of police. Appointment of policemen.

Sec. 12. That if any vacancy shall occur in the board by death, resignation, or otherwise, and it shall be more than eight months until the next general election, it shall be the duty of the said board to forthwith call an election for the purpose of letting the people elect the person to fill such vacancy. That notice of said election shall be given for two successive weeks in a newspaper published in the city of Monroe, and shall be conducted as nearly as possible as other municipal elections are conducted for the city of Monroe: *Provided*, that if said vacancy occur within eight months to the time of holding the regular election for board of aldermen, said vacancy shall remain until the regular election. Election to fill vacancy. Notice of election. Law governing election. Proviso: vacancy until general election.

Sec. 13. That all duties, responsibilities, and powers conferred on the mayor and board of aldermen, chief of police, city tax collector, and other officers of the city of Monroe by the charter of said city or the general laws of the State of North Carolina, or any amendment to said charter and not in conflict with this act, shall continue in full force and effect, and all requirements in conflict with the provisions of this act are hereby repealed. Effect on present laws.

Sec. 14. That for the purpose of ascertaining the will of the people, the board of aldermen of the city of Monroe shall call an election of all qualified voters of the city of Monroe on the first Monday in April, A. D. one thousand nine hundred and thirteen, after publishing this act in two issues of a newspaper published in the city of Monroe, at which election all qualified voters who are then registered and qualified to vote who are in favor of this amendment to the charter of the city of Monroe shall cast a ballot on which shall be written or printed the words "For Charter Amendment," and those opposed shall cast a ballot on which shall be written or printed "Against Charter Amendment." That said election shall be conducted under the same rules and regulations as are now required for other municipal elections for the city of Monroe, and shall be under the control and supervision of the board of aldermen, and if at said election a majority of the votes cast shall be "For Charter Amendment," the foregoing amendments to the charter of the city of Monroe shall at once become effective and the law applicable to the city of Monroe as if unconditionally passed by the General Assembly of North Carolina. Election on act. Date for election. Ballots. Law governing election. Effect of election.

Sec. 15. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 410.

AN ACT TO AMEND SECTION 10, CHAPTER 140 OF THE PRIVATE LAWS OF 1907, RELATIVE TO THE GRADED SCHOOLS OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. That section ten of chapter one hundred and forty of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out all of said section ten of chapter one hundred and forty and substituting in lieu thereof the following: "That the board of trustees of the public schools of the graded school district of Elizabeth City, North Carolina, shall consist of nine members. They shall be elected by the mayor and board of aldermen of Elizabeth City in the following manner, and for the following terms, to wit: The said mayor and board of aldermen of Elizabeth City, at their regular meeting on the first Monday in June, one thousand nine hundred and thirteen, shall elect one trustee from each of the portions of the said graded school district designated as the first, second, third, and fourth wards of the said town of Elizabeth City, and the trustees so elected shall hold office for a term of four years from the date of their election and until their successors are elected and qualified. The said mayor and board of aldermen of Elizabeth City shall also, at their regular meeting on the first Monday in June, one thousand nine hundred and thirteen, elect four trustees, one from each ward in said town of Elizabeth City and one member at large; said member at large to be taken or elected from that part of said school district that is outside of the corporate limits of the said town of Elizabeth City. The five trustees thus elected shall hold their office for the term of two years from the day of their election and until their successors are elected and qualified: *Provided*, their successors shall be elected for a term of four years, and terms of all trustees thereafter shall be four years: *Provided further*, that the mayor and members of the board of aldermen shall be ineligible as a member of the board of school trustees.

Number of trustees.

Election of trustees.

Proviso: election of successors.

Proviso: mayor and aldermen ineligible.

Vacancies.

Sec. 2. If a vacancy occurs by death or resignation, the said mayor and board of aldermen shall fill such vacancy for the unexpired term from the same territory from that represented by their predecessors. That the board as now constituted shall continue in office until the first Monday in June, one thousand nine hundred and thirteen, when their successors shall be elected, at which time the term of all the members of the present board of trustees shall expire: *Provided further*, that the position of trustee shall not be considered an office in contemplation of article seven, section fourteen of the Constitution.

Present board continued.

Proviso: trustees not officers.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 411.

AN ACT TO ALLOW THE TOWN OF BESSEMER CITY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of town commissioners of the town of Bessemer City be and it is hereby authorized and empowered to issue bonds in the name of the town of Bessemer City, in such denominations and form as it may determine, to an amount not exceeding thirty thousand dollars ($30,000), payable at such times and places as the board of town commissioners may prescribe: *Provided*, that the time of payment of such bonds shall be not less than twenty and not more than forty years from their date.

Bond issue authorized.

Denomination and form.

Amount.

Proviso: maturity.

Sec. 2. That said bonds shall bear interest at no greater rate than six per centum per annum, and that the interest shall be made payable annually or semiannually, as the board of town commissioners may prescribe, and the said bonds shall in no case be sold, hypothecated, or otherwise disposed of for less than their par value: *Provided*, said board of commissioners may, in its discretion, pay a commission for making sale of said bonds, not exceeding five per centum of the amount sold.

Interest.

Sale below par forbidden.

Proviso: commission on sale.

Sec. 3. That said bonds shall be signed by the mayor, attested by the secretary of said board and sealed with the corporate seal of the said town, substantially in the form following:

Authentication.

Form.

By order of the Board of Town Commissioners,

.....,

[Corporate Seal.] *Mayor.*

Attest:

.....,

Secretary to the Board.

and shall have interest coupons attached, which may be executed by the lithographed signatures of said officers, and which said bonds and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be receivable in payment of town taxes.

Exempt from town taxes.

Coupons receivable for town taxes.

Sec. 4. That the board of town commissioners of the town of Bessemer City, upon the issuing of said bonds, shall be authorized

Special tax.

and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation, under the charter of said town, observing at all times the constitutional equation between the poll and property, sufficient to meet the interest on said bonds as the same accumulates, and pay the principal thereof when it shall become due and payable; and such taxes shall be fixed, levied, and collected at the same time and in the same manner as other taxes of said town, and paid into the hands of the treasurer thereof, not to exceed the sum of fifty cents on each one hundred dollars valuation of property and one dollar and fifty cents on each taxable poll. That the proceeds arising from the collection of such taxes shall be a separate fund in the hands of the treasurer for the purposes above stated, and no other.

Constitutional equation.

Levy and collection.

Limit of rate.

Proceeds kept separate.

Sinking fund.

Sec. 5. That the taxes herein provided for, in excess of the amount necessary to meet the interest coupons on said bonds, shall be set aside as a sinking fund with which to pay off said bonds at maturity, and may be loaned at interest by said board of commissioners until such time as same can be used in the payment of said bonds, and the interest arising therefrom shall be credited to such fund.

Investment of sinking fund.

Appropriation of proceeds of bonds.

Sec. 6. That the proceeds arising from the sale of said bonds shall be used for the following purposes, and no other, viz.:

To waterworks.

(*a*) For the purpose of constructing, building, and installing a municipal waterworks system of said town.

To sewer system.

(*b*) For the purpose of building, installing, and constructing a sewer system for the citizens of said town.

To street improvements.

(*c*) For the purpose of improving the streets and sidewalks of said town, providing, where deemed expedient by said board, concrete or cement sidewalks; and for the purpose of paying any indebtedness of said town which shall have been incurred for any of said purposes prior to the sale of said bonds.

To payment of debt.

Purchase not liable for application.

Sec. 7. That nothing in this act shall be construed as requiring the purchaser or purchasers of any of said bonds to see that the purchase money paid for said bonds is applied for the purposes prescribed in this act.

Election not required.

Sec. 8. It is the purpose and intent of this act, and authority is hereby granted the board of town commissioners of the town of Bessemer City, to issue the bonds hereinbefore mentioned without submitting such question to a vote of the qualified voters of said town, and any laws or clauses of laws in conflict with this right, and requiring the submission of same to the qualified voters of said town, are hereby abrogated and repealed.

Sec. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 412.

AN ACT TO AMEND CHAPTER 2 OF THE PRIVATE LAWS OF 1911, AND TO INCREASE MAXIMUM LICENSE TAX UPON ITINERANT AUCTIONEERS AND ITINERANT MERCHANTS, AND TO FACILITATE PROCEEDINGS FOR STREET ASSESSMENTS, ETC.

The General Assembly of North Carolina do enact:

Peddlers.

Section 1. That section seventy-five, subsection one, of chapter two of the Private Laws of nineteen hundred and eleven be amended by striking out the word "fifty," in line two thereof, and substituting therefor the words "three hundred."

Itinerant auctioneers.

Sec. 2. That section seventy-five, subsection ten, of said chapter mentioned in the preceding section be amended by adding at the end of said subsection the following: "and on itinerant auctioneers a tax not exceeding one hundred dollars a year."

Ordinances for street and sidewalk improvement.

Sec. 3. That section eighty-eight of said chapter two of the Private Laws of one thousand nine hundred and eleven be amended by adding at the end of said section the following: "It shall not be necessary to publish ordinances, resolutions, orders, or motions in proceedings for paving or improvement of streets or sidewalks under the assessment plan, and such ordinances, resolutions, or motions shall take effect at once unless otherwise therein specified: *Provided, however*, that if the board of commissioners of said city of Greensboro so desire, it may have published any ordinance, resolution, or motion in proceedings for the paving or improvement of streets or sidewalks under the assessment plan, and where such ordinance, resolution, or motion, stating time and place and nature of hearing and the district to be improved, shall be published once in each of the daily papers of said city at least ten days before any hearing or return day therein named, it shall not be necessary to give personal notice, but the publication of such ordinance, resolution, or motion shall be to all intents and purposes as valid and binding as personal service upon all interested therein."

Proviso: publication to have effect of personal notice.

Improvement districts.

Sec. 4. That the board of commissioners of the city of Greensboro shall have full power and authority to adopt by ordinance, motion, or resolution, such a system of laying out districts or sections of streets or sidewalks for permanent improvement or paving, and of equalizing the assessment on real estate to pay the cost of such improvement and such proceedings in regard thereto, as it may deem just, equitable, and proper: *Provided, however*, that in case any street or part of a street laid out as a district for permanent improvement is of such unequal width as to render the plan of equalization of assessment unjust to any abutting property-owner, then, in that case, the board of commissioners

Proviso: subsections.

is authorized to divide the district into subsections, and apply the rule of equalization of assessments to such subsections instead of to the entire district or section; and the board may make as many subsections as may be necessary to make a just distribution in the case of permanent improvement in such district. That in event the owner of any lot or lots in any assessment district is an infant, idiot, lunatic, or incompetent, then his general guardian or agent, if he has such, shall act for him; if he has none, it shall be the duty of the Clerk of the Superior Court of Guilford County to appoint a guardian *ad litem* to act for him, and notice in the manner herein provided for, served upon such agent or guardian, shall be sufficient. That all assessments levied and charged against the abutting property under the charter of said city of Greensboro and amendments thereto shall become a lien upon all such abutting property from the commencement of the work therein provided for.

Lot owners under disability.

Assessments a lien on property.

Notice to lot owners to appear and show cause.

Sec. 5. That in lieu of, or in addition to, notice by publication to property-owners affected by improvements to abutting real property, as provided for in section three hereof, the board of commissioners of said city of Greensboro, if it so determines, may give at least ten days personal notice to all persons affected by any permanent improvements for which a charge has to be made on real estate to appear before said board at a certain time and place to show cause, if any, why said assessment should not be made, which notice may be served by any policeman of the city of Greensboro, or employee thereof, or any other proper officer, and such notice may be served by reading or leaving a copy of said notice with the party to be served, or leaving a copy at the residence, office, or place where she or he resides, with some person of suitable age and discretion; and if such person to be served cannot be found in the city of Greensboro, service may be had by publishing same once in some newspaper published in said city at least ten days before the return day, or the officer serving such notice may make an affidavit before the mayor of said city, who may thereupon direct such service to be made of said notice by posting a copy at the courthouse door in said city of Greensboro at least ten days before the return day, and such posting shall be deemed a sufficient service of such notice in such case. Any notice of said city to be served on any person, firm, or corporation may be given in the manner herein provided for, as well as notices in proceedings for special assessments.

Service of notice.

Service by publication.

Sec. 6. That where any notice of the city of Greensboro is required to be published, unless otherwise specified, it shall be sufficient to publish said notice one time in a daily newspaper of said city at least ten days before the return day.

Sufficient notice.

Sec. 7. That the police of the city of Greensboro shall have power to serve notices and process of said city anywhere in the county of Guilford.

Police to serve process.

Power to compel sidewalk improvements.

Sec. 8. That the board of commissioners of the city of Greensboro shall have power, by appropriate ordinances, to compel the construction and laying of sidewalks by property-owners in front of or abutting their land or property, and may prescribe the character of such sidewalks and the manner in which same shall be laid; but the provisions of this section shall not be in derogation of any other powers which the city of Greensboro has in regard to such improvements.

Improvements by public-service companies.

Sec. 9. That the city of Greensboro shall have power by ordinance, resolution, motion, or otherwise, to require any street or electric railway company to pay the cost of grading, paving, repairing, or repaving, or otherwise improving the street or streets, or intersections thereof, used or occupied by said railway company, and such cost shall be a lien upon the property and franchise of the company. The portion of the street occupied by the electric or street railway company shall be deemed to be the space between its tracks and one foot on the outside of each of its rails, and all the space between double tracks, turnouts, and switches.

Bonds on appeal.

Sec. 10. That upon appeal from any order or ruling of the board of commissioners of said city, as set out in section eighty-eight aforesaid, a written undertaking shall be given in the sum of two hundred dollars, with sufficient surety, to be justified before and approved by the city clerk, to the effect that the appellant will pay to the city all costs and damages it may sustain by reason of said appeal.

Pleading ordinance.

Sec. 11. That in all judicial proceedings it shall be sufficient to plead any ordinance of said city by caption or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes published in any book form by authority of the board of commissioners shall be admitted in evidence by all courts, and shall have the same effect as would the original ordinances.

Printed ordinances evidence.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they are in conflict with this act.

Sec. 13. That this act shall be in force from the date of its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 413.

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and sixty of the Private Laws of one thousand nine hundred and eleven, section two, be

amended by striking out said section and inserting in lieu thereof the following: "That on the first Monday in May, one thousand nine hundred and thirteen, and on the same Monday biennially thereafter, there shall be elected at large, of and by the qualified voters of said city, a police justice, city tax collector, and city clerk; and at the same time each of the several wards of the city of Raleigh shall elect, of and by the qualified voters of the respective wards, one alderman; and there shall be elected at large, of and by the qualified voters of said city at said time, one alderman; and the five aldermen thus elected shall constitute the board of aldermen of the city of Raleigh: *Provided*, that the alderman elected at large of and by the qualified voters of said city shall be the mayor of said city, and as such mayor is hereby invested with all of the power and authority as is now given or may hereafter be given to the mayor of the city of Raleigh, and all of said officers so elected shall hold office for two years and until their successors are duly elected and qualified: *Provided*, that the registrars appointed in the provisions of this act for the election to be held on the first Monday in May, one thousand nine hundred and thirteen, shall take a new registration of all the qualified voters residing in the city of Raleigh, if the board of aldermen shall so require.

City elections.
Officers elected.
Aldermen for wards.
Alderman at large.
Proviso: alderman at large to be mayor.
Terms of office.
Proviso: new registration.

Primary election.

Sec. 2. On the second Monday preceding the general municipal election of the year one thousand nine hundred and thirteen, and on the same Monday biennially thereafter, a primary election, for the candidates of all parties, for all elective officers in the city of Raleigh shall be held under and according to the provisions of the primary law for Wake County and the city of Raleigh, and the nomination for all elective officers in the city of Raleigh shall be made at large of and by the qualified voters of the city of Raleigh, except four aldermen, who shall be nominated by the qualified voters of the four respective wards of said city, and one at large by the qualified voters of said city.

Nominations.

Alderman at large to be mayor.
Proviso: mayor entitled to vote.

Sec. 3. The alderman who is elected at large shall be mayor of the city and have all the powers and authority heretofore given the mayor of said city: *Provided*, he shall be entitled to vote as any other alderman on all matters coming before the board.

Salary of aldermen.

Sec. 4. That chapter one, section fifty-nine, of the Private Laws of one thousand nine hundred and seven be amended by striking out the word "one," in line two thereof, and inserting in lieu thereof the word "three."

Conflicting laws repealed.
Act for commission government.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed, except that nothing herein contained shall serve to repeal the act providing for an election on "Commission Government" in the city of Raleigh, and that nothing herein contained shall be of any force or effect if at the election to be held on "Commission Government" in the city of Raleigh, North Carolina, the qualified voters of Raleigh shall vote for

"Commission Government": and *Provided further*, that at said election on "Commission Government" provided to be held in said city there shall be submitted to the qualified voters of the city of Raleigh the question of the adoption or rejection of this act, the ballot to be prepared as follows: "For Five Aldermen" and "Against Five Aldermen": and *Provided further*, that this question shall be submitted on the same day and date as the election provided to be called at this session of the Legislature upon the question of "Commission Government" in the city of Raleigh: *Provided*, that if the "Commission Government" shall fail at said election to be adopted, and a majority of the qualified voters voting at said election shall vote "For Five Aldermen," then this act shall be in full force and effect on and after said date. That notice of this election shall be given by the mayor of the city of Raleigh by publication, and no other call for election shall be necessary.

Proviso: act submitted to voters.

Ballots.

Proviso: date of election.

Proviso: effect of election.

Notice of election.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 414.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SCOTLAND NECK, HALIFAX COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the following territory be added to the town of Scotland Neck, on the west, to wit: Beginning at the western end of Twelfth Street; thence in a westerly direction and along the public road leading to Gallberry to the Canal Bridge; thence down the canal in a southerly direction and along said canal to a point where the extension of Ninth Street of said town would cross said canal; thence in an eastern direction a straight line parallel with the aforesaid public road to the present corporate limits of said town at a point, the end of Ninth Street.

Territory added.

Boundary.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 415.

AN ACT TO PERMIT WAKE FOREST GRADED SCHOOL DISTRICT IN WAKE COUNTY TO VOTE $25,000 OF BONDS.

The General Assembly of North Carolina do enact:

Petition for election.

Section 1. That a majority of the trustees of the Wake Forest Graded School District, in Wake County, North Carolina, be and is hereby authorized and empowered to petition the board of county commissioners of Wake County, North Carolina, to call an election in said district, at a time and place to be specified by them, to determine the question, "Shall the Wake Forest Graded School District, in Wake County, issue twenty-five thousand dollars of the bonds of said district, with interest coupons attached, to build a graded school building in said district?"

Question to be determined.

County commissioners to order election.

Sec. 2. That upon said request of a majority of the trustees, as aforesaid, it shall be the duty of the said board of county commissioners of Wake County to order an election to be held in said district, at such time and place as may be specified in said request, to determine the question, "Shall the Wake Forest Graded School District, in Wake County, issue twenty-five thousand dollars of the bonds of the said district, with interest coupons attached, to build a graded school building in said district?" That said board of county commissioners shall, at least thirty days preceding such election, give notice of said election and purpose thereof, by publication in one or more newspapers published in said county and at such other places as may be determined upon by it.

Notice of election.

Law governing election.

Sec. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may be hereafter prescribed by law for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all of the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper: *Provided further*, that said board of county commissioners shall appoint a registrar and judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of county commissioners at its first regular meeting next following the election, and said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of county

Proviso: new registration.

Proviso: election officers.

Registration and challenges.

Count and return of votes.

Tabulation, declaration, and record of result.

commissioners, and no other recording and declaration of the result of said election shall be necessary.

Ballots.

Sec. 4. That at said election the ballots tendered and cast shall have written or printed upon the same, "For Graded School Building Bonds" or "Against Graded School Building Bonds," and all qualified electors who may be in favor of the issue of bonds shall vote a ticket on which shall be written or printed the words, "For Graded School Building Bonds," and all qualified electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the words "Against Graded School Building Bonds."

Issue of bonds.

Denomination.

Amount.

Interest.

Maturity.

Authentication.

Sec. 5. That if a majority of the votes cast in said election shall be "For Graded School Building Bonds" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Wake County to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed twenty-five thousand dollars, which said bonds shall bear a rate of interest not exceeding six per cent per annum, with interest coupons attached, payable semiannually on the first days of January and July; the principal thereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, as the said board of county commissioners of Wake County may determine; that said bonds and coupons attached thereto shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and that said bonds shall have upon them the seal of the county; that said bonds shall be styled bonds to build a graded school building in Wake Forest Graded School District of Wake County.

Bonds delivered to treasurer.

Sale of bonds.

Specific appropriation of proceeds.

Sec. 6. That upon the preparation, signing, and executing of said bonds, said board of county commissioners shall deliver the same to the treasurer of the school fund in Wake County, who shall sell said bonds at such times and in such manner as the said board of education for Wake County may direct; that none of the said bonds or the proceeds thereof shall be used by said board of education for any other purpose than that provided by this act; that said bonds shall be numbered consecutively, and the coupons attached shall bear the numbers of the bonds to which they are attached. The bonds and coupons shall state the time, place when they are due, and when payable, and by what authority they were issued. The said board of education for Wake County shall record all the proceedings in respect to said bonds in the minutes of its meetings, and when sold, the numbers of the bond or bonds, the denominations, to whom sold, and the number of coupons attached.

Record of bonds.

Proceeds deposited with treasurer.

Expenditure of proceeds.

Sec. 7. That when said bonds are issued and sold, the proceeds thereof shall be deposited with the treasurer of the school fund for Wake County, and the same shall be expended by said board

of education in purchasing a building site, building thereon a graded school building, and in properly equipping said building for school purposes in the said Wake Forest Graded School District, and no other; that the said treasurer of the said board of education shall keep said funds provided for in this act which may come into his hands separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duties in this respect the said treasurer shall execute an official bond, payable to the State of North Carolina for the use of said trustees, in the usual manner, in such an amount as the board of county commissioners may direct.

Funds and accounts kept separately.

Bond of treasurer.

Special tax.

Limit of rate.

Separate fund.

Application.

Commissioner of sinking fund. Investments.

Bond of commissioner.

Reports.

Present tax not affected.

Application of act.

Sec. 8. When said bonds shall have been issued, the board of county commissioners of Wake County shall levy annually on the first Monday in June a tax not exceeding twenty (20) cents on the hundred dollars of the property and sixty (60) cents on the poll in said Wake Forest Graded School District, in Wake County, to provide for the payment of the interest upon the same and to create a sinking fund sufficient to meet the payment of said bonds at their maturity. The tax so levied shall be collected as other taxes, and shall be kept by the treasurer of the school fund as a separate fund, and shall be applied, first, to the payment of the interest upon said bonds; secondly, to the creation of a sinking fund as aforesaid; and, lastly, to the maintenance of said Wake Forest Graded School. The said treasurer of the school fund shall be commissioner of the sinking fund for said bonds, and it shall be his duty to keep said fund invested in some safe security or bond; said commissioner of the sinking fund shall be required to execute such bond as the board of education shall direct for the safe keeping of said fund and the faithful performance of his duties as commissioner, and he shall make such reports from time to time as the board of education or the trustees herein mentioned may direct.

Sec. 9. That this act shall not be construed to release or to repeal or in any manner interfere with any annual tax heretofore voted by said district for school purposes.

Sec. 10. That this act shall apply only to the Wake Forest Graded School District of Wake County.

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 416.

AN ACT TO AMEND CHAPTER 72, PRIVATE LAWS OF 1911, RELATIVE TO CHANGING THE TIME OF VOTING IN SECTION ONE OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter seventy-two of the Private Laws of one thousand nine hundred and eleven, is hereby amended by striking out the word "next," in line four of said section, and insert in lieu thereof the word "in," and add after the word "May," in said line, the following: "nineteen hundred and thirteen, or at any other time that the board of aldermen of the said town of Waynesville may order." Time fixed by aldermen.

Sec. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 417.

AN ACT TO AMEND H. B. 1377 AND S. B. 1387, RELATIVE TO THE MAP OF THE TOWN OF DUNN, HARNETT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section two of the above described act be amended by adding at the end of said section the following words: "not actually conveyed by deed of said town for a valuable consideration prior to the ratification of this act: *Provided further*, that it is hereby made the duty of the board of commissioners, prior to the final adoption and registration of the new plan and map of said town as herein authorized, to cause all squares and parts of squares indicated on the original map of said town as set apart or dedicated to the public and not conveyed by deed of said town as aforesaid, to be vacated and restored to the public use, and, if necessary, to bring an action at law or other appropriate proceeding to effect said purpose, and in case any court of competent jurisdiction in any such action shall adjudge any such squares or parts of squares not to be dedicated to the public use, then the commissioners shall so indicate the same on the new map and in the new plan herein authorized." Proviso: lots to be vacated and restored. Actions for lots. Judgment indicated on map.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 418.

AN ACT TO AMEND CHAPTER 140, PRIVATE LAWS OF 1907, SO AS TO ENLARGE ELIZABETH CITY GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Additional territory.

Section 1. That section one of chapter one hundred and forty, Private Laws of nineteen hundred and seven, relating to Elizabeth City Graded School District, be amended so as to include and incorporate in the bounds of said district, as described in said

Boundaries.

section one, the following additional territory, to wit: Beginning at the railroad where the county road crosses the same near the old junction, thence northwardly along the railroad to Pasquotank River; thence up the river to Zenas Jennings' line; thence southwardly down the said Jennings' line to the main road; thence northwardly up the main road to R. N. Morgan's line; thence westwardly to the corner of W. S. Stafford's line; thence down the said Stafford's line to his lead ditch; thence down the ditch to the branch; thence down the center of the branch to Knobbs Creek; including all of the lands southeast of these boundaries.

Rights, benefits, and burdens extended.

Sec. 2. That the additional territory set out in section one of this act shall be subject to all the rights and benefits and all the burdens of assessment and taxation imposed upon the original territory in said chapter one hundred and forty, Private Laws of nineteen hundred and seven.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 419.

AN ACT TO AMEND CHAPTER 128 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1903, BEING AN ACT TO INCORPORATE THE TOWN OF ORRUM, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter one hundred and twenty-eight of the Private Laws of North Carolina as enacted at the session of the General Assembly of North Carolina, one thousand nine hundred and three, be and the same is hereby

Corporate limits.

repealed, and in lieu thereof insert the following, viz.: Beginning in Center Street in said town at F. J. Nye's blacksmith shop, and

runs thence with Center Street north three-eighths of a mile to a stake; thence east and at right angles to Center Street three-eighths of a mile to a stake; thence about south and parallel to Center Street three-quarters of a mile to a stake; thence about west and at right angles to Center Street three-quarters of a mile to a stake; thence about north and parallel to Center Street three-quarters of a mile to a stake; thence about east three-eighths of a mile to Center Street, so as to form a right-angled parallelogram with F. J. Nye's blacksmith shop on Center Street as its center.

Sec. 2. That section fifteen of said chapter one hundred and twenty-eight be amended by adding at the end of said section the following: "*Provided*, the said town clerk and treasurer of said town of Orrum shall have authority, when so ordered by a resolution of the board of commissioners of said town, to collect the taxes of said town levied by said board of commissioners: *Provided further*, that in case the board of commissioners shall direct the town clerk and treasurer to collect the taxes of said town, they shall require him to enter into bond in the sum of not less than five hundred dollars, payable to the State of North Carolina, conditioned for the faithful collecting and accounting for all taxes collected by him; and the same provisions that are designated in section sixteen of said chapter one hundred and twenty-eight to apply to the constable of said town shall apply to the town clerk and treasurer in case he is required by the board of commissioners of said town to collect the taxes."

Proviso: collection on taxes.

Proviso: bond for collections.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 420.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED FEBRUARY 24, 1913, CONCERNING CHARTER OF THE CITY OF MORGANTON.

The General Assembly of North Carolina do enact:

Section 1. That it shall be the duty of the board of commissioners of the town of Morganton to pay all necessary costs for the purchase of dockets, blanks, and seal for the use of the police court of said city, as established in said act.

Dockets, blanks, and seal for police court.

Sec. 2. That whenever in any criminal case returnable before any justice of the peace in and for Morganton Township, affidavit is filed for removal as is now provided by law for removal of cases in courts of justices of the peace, it shall be lawful for said justice to move such case before the judge of said police court for trial as provided by law.

Cases removed to police court.

Collection of fines.

Costs paid by county.

Sec. 3. All fines imposed shall be collected by the judge of said court, and where a defendant is convicted and fails to pay the costs, the county shall pay such costs as is allowed by law in similar cases in the Superior Court.

Defendants bound to police court.

Sec. 3a. That in the town of Morganton and Morganton Township, Burke County, where a criminal action of which the police court has final jurisdiction is tried by a justice of the peace who has not final jurisdiction of the same, he shall bind the defendant over to the police court and require him to give bond for his appearance therein instead of in the Superior Court of Burke County.

Limitation of power stricken out.

Sec. 4. That the following words under article six, entitled "Streets and Street Department," section four, be stricken out, to wit: "*Provided*, the town council shall not order such improvement district or section to be laid out until and unless two-thirds of the persons owning the land abutting on such street or sidewalk or public alley or the portion thereof proposed to be improved shall request the town council to order such improvement district or section to be laid out."

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 421.

AN ACT TO AMEND CHAPTER 125 OF THE PRIVATE LAWS OF 1897, RELATING TO TAX LEVY IN TOWN OF MAXTON.

The General Assembly of North Carolina do enact:

Limit of tax rate.

Section 1. That section 1 of chapter one hundred and twenty-five of the Private Acts of North Carolina of the session of one thousand eight hundred and ninety-seven be amended by striking out in line five of said section the words "one dollar" and inserting therefor "one dollar and fifty cents," and by striking out in line seven of said section the words "thirty-three and one-third" and inserting therefor "fifty."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 422.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF MAXTON TO ISSUE BONDS AND LEVY A TAX TO PAY THE FLOATING INDEBTEDNESS OF SAID TOWN AND FOR OTHER PURPOSES.

Whereas the town of Maxton has contracted for necessary expenses a floating indebtedness upwards of ten thousand dollars, and the said town desires to issue bonds for the payment of said debt, and also for public improvements in said town, and desires authority to levy and collect taxes to pay the interest on same and provide a sinking fund for the payment of said bonds when the same shall become due: Now, therefore, Preamble; debt contracted.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the town of Maxton, for the purpose of paying off a floating indebtedness of said town and for street improvements, extension of the waterworks and sewerage system in said town, and for other public improvements, are authorized and empowered to issue bonds of the town of Maxton in an amount not to exceed twenty thousand dollars, bearing interest at a rate not to exceed six per centum per annum, of such denomination as the said commissioners shall determine, not to exceed one thousand dollars nor be less than one hundred dollars, to each and every one of which bonds shall be attached coupons representing the interest on said bonds, which bonds and coupons shall be due and payable as the said commissioners may hereafter determine; and the said bonds to be issued by said commissioners shall be consecutively numbered and the coupons shall bear the number of the bond to which it is attached and shall declare the amount of interest each one represents and when due, and shall be receivable in payment of taxes due said town by the holder of said bonds; said bonds shall in no case be sold, hypothecated, or otherwise disposed of for less than their par value, and shall run for a period of thirty years. Bond issue authorized. Amount. Interest. Denominations. Coupons receivable for town taxes. Sale below par forbidden. Maturity.

Sec. 2. That the said bonds shall be issued over the signature of the mayor of the town of Maxton, witnessed by the signature of the clerk and treasurer of the commissioners of said town and attested by the official seal of the town of Maxton, and shall be sold by the mayor of said town under the direction of the commissioners. Authentication. Sale of bonds.

Sec. 3. That for the purpose of paying the interest on said bonds as it becomes due, and of providing a sinking fund for the payment of said bonds at maturity, the said board of commissioners are hereby authorized and empowered to levy and collect a special tax annually upon all subjects of taxation which are Special tax.

now or may be hereafter embraced in the subjects of taxation under the charter of said town or the laws of the State, said special tax not to exceed twenty cents on the one hundred dollars worth of property and not to exceed sixty cents on each poll; such taxes shall be levied and collected in the same manner as other taxes of said town and shall be paid into the hands of the treasurer, whose bond shall at all times be sufficient to cover the amounts which may come into his hands; and as such moneys may from time to time accumulate, they may be loaned out under the supervision and by the direction of the commissioners of said town, and until such time as the same may be paid in cancellation of bonds.

Limit of rate.

Levy and collection.

Bond of treasurer.

Investment of sinking fund.

Record of bonds.

Sec. 4. That the board of commissioners of the town of Maxton shall cause their clerk to keep a record in which shall be entered the name of every purchaser of a bond, the number of the bond purchased and the amount received therefor, and shall also cause said clerk to keep a record of all bonds redeemed, from whom purchased, and the amount paid for their redemption, and all bonds when redeemed and recorded shall be destroyed by fire in the presence of the board of commissioners by their clerk or one of their number.

Bond issue to be voted on.

Sec. 5. But before the issuance of any bonds as herein provided for, or any taxes levied, it shall be the duty of the board of commissioners of the town of Maxton to submit to the qualified voters of said town for their determination the question of whether or not bonds as herein provided for shall be issued for the purposes aforesaid, and said commissioners are authorized to hold an election in the town of Maxton, after thirty days notice, in the same manner as is provided for the election of officers of said town, at which election there shall be submitted to the qualified voters the said question, and those voters voting the issue of bonds shall vote a ballot on which shall be written or printed "For Bonds," and those opposing the issue of bonds for said purposes shall vote a ballot on which shall be written or printed "Against Bonds"; and if a majority of said qualified voters shall vote in favor of a bond issue, then the powers and authority hereinbefore conferred shall be exercised by said board of commissioners; but if a majority of said voters shall vote against a bond issue, no bonds shall be issued. If, however, a bond issue shall not be voted upon favorably, said board of commissioners may call subsequent elections, under the same rules and regulations as already prescribed.

Notice of election.

Ballots.

Effect of election.

Subsequent election.

Certificate and record of result.

Sec. 6. That the result of said election shall be certified by the officers holding the same to the board of commissioners of said town, at such time as they may designate, and the result shall be recorded in the minutes of the town of Maxton and shall be held and admitted conclusive evidence of the truth of the facts therein certified.

Sec. 7. That nothing in this act is to be so construed as to require the purchaser or purchasers of any of said bonds to see that the purchase money paid for the same is applied to the purposes prescribed for in that act. Purchaser of bonds not responsible for application of funds.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 423.

AN ACT TO INCORPORATE THE WILMINGTON-CAROLINA BEACH RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Iredell Meares, George F. Meares, Joseph J. Laughlin, and A. W. Pate, and such other persons as may become associated with them as stockholders, and their successors, be created a body politic and corporate under the name of the Wilmington-Carolina Beach Railway Company, and shall have a corporate existence in perpetuity, and shall have the right to sue and be sued, to have a common seal, to purchase or acquire by gift or demise estate, real, personal, or mixed, and to hold, lease, or sell the same as the interest of said company may require, and shall make and exercise all such by-laws and regulations for its government as may be necessary or expedient; and shall have all the rights, privileges, and immunities possessed and enjoyed by other railroads and street railways under the laws of North Carolina. Corporators. Incorporation. Corporate name. Corporate powers.

Sec. 2. That the said company is hereby authorized to construct a railway of one or more tracks, and of any gauge whatever, to be propelled by steam or electricity or other motive power, from the city of Wilmington, in New Hanover County, to any point on the ocean beach within said county, thence to the mouth of the Cape Fear River; and said company shall further be authorized to build either a double track or a track extending from said city, along the ocean side, and a track likewise extending along the river side in that portion of New Hanover County lying between the Cape Fear River and the Atlantic Ocean, for the conveyance of passengers and freight. Construction of railway authorized. Termini and routes.

Sec. 3. That said company shall have the right to purchase and hold land at any points on any of its lines, to purchase, sell, or lease the same, and to erect hotels, pavilions, places of resort, or other buildings on said lands, and to operate or lease the same; and whenever any land shall be required for the construction of the road, or for other necessary building or purposes, and for any cause the same cannot be purchased from the owners, the Rights of improvement company. Power to condemn land.

same may be condemned to the use of the said railroad in the same manner as is provided by statute in this State for the condemnation of lands for public use.

Rights of power and light company.

Sec. 4. The said corporation shall have the power to construct, operate, and maintain an electrical power plant with all necessary apparatus and machinery for the production of electricity, to operate and maintain a system of electric lights in the city of Wilmington, subject to the regulations of its corporate authority, and also, on and along its line of railway and sections through which same may run, and upon poles or by conduits to convey by wire electricity to such points as it may elect; and to furnish, charging for the use thereof, electrical power for lights and other purposes to the public.

Street railways.

Sec. 5. The said company shall have the power to construct, maintain, and operate an electrical street railway line upon and along the streets of Wilmington, upon such terms and conditions and under such rules and regulations as the governing authorities of said city may require and prescribe.

Capital stock.

Sec. 6. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each;

Right of increase.

but said company may, by a concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to

Stock vote.

an amount deemed necessary to the interest of said company. In all meetings of its stockholders each share shall be entitled to one vote. The capital stock of said company may be created by subscription, contribution, or donation upon the part of the individuals, townships, municipal or other corporations; and subscriptions may be paid in money, labor, land, material, stocks, bonds, or other securities as may be stipulated, or in any way that may be agreed upon between the company and the subscribers.

Creation of capital.

Payment of subscriptions.

Books of subscriptions.

Sec. 7. Books of subscription may be opened by such corporations or by the directors at such times and places and under such rules and regulations as a majority may determine, and the said corporators or a majority of them may at any time, after the sum of ten thousand dollars has been subscribed to the capital stock of said railroad company and five per centum cash paid thereon, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company.

Meeting for organization.

Issue and transfer of stock.

Sec. 8. That the president shall, under the direction of the board of directors, issue certificates of stock to the stockholders, which shall be transferable in such manner as may be prescribed by the by-laws of the company.

Right to borrow money, issue bonds, and execute mortgage.

Sec. 9. Said company shall be authorized to borrow money for the construction and operation of said railroad, and for the purpose of this act, and to issue coupon or regular bonds for the amount so borrowed, and to mortgage said road and the other

property of said company to secure the payment of said bonds, principal and interest.

Rights in connection with other railways.

Sec. 10. The said company shall have the power to cross the tracks of other railroads or street railways, and to connect with any railroad now or hereafter chartered, and to lay down and to use tracks through any town or city by and with the consent of the corporate authorities of said town or city upon such terms as they may prescribe.

Tracks in towns and cities.

Branch lines.

Sec. 11. The said company shall have power to build branches to the main stem in any direction not exceeding twenty-five miles in length, and may build, purchase, and hold, charter or connect with such ocean steamers or vessels, river steamers, vessels, or boats as may be desired to run and use from or to the terminal points, or on any water-course in connection with the road to be constructed by said company.

Steamers and vessels.

Power of consolidation.

Sec. 12. That the said company, after it shall have been organized, shall have the power to consolidate with and assume the corporate name of any railroad company or street railway company that has been already organized or that may hereafter be organized, or to sell or lease any part or the whole of its main line, branches thereof, to any other railroad company; and if a portion or the whole of said lines shall be sold to any other company, then the company purchasing shall take the line so purchased, with all the franchises herein granted, as appurtenant, and manage said line under its own corporate name.

Exclusive right of transportation.

Sec. 13. That said company shall have exclusive right to carry and transport freight and passengers over and along said road, and upon vessels and boats run in connection with the same, and at such rates as said company shall prescribe, subject to such general laws regulating the same as the General Assembly may, from time to time, establish.

Partial construction.

Initial point.

Sec. 14. That the said company may construct a part of the said road without building the entire line, and may charge for transportation thereon, beginning at or near Wilmington, North Carolina.

Route.

Crossing navigable streams.

Proviso: draws in bridges.

Sec. 15. That said company may build its road by such route as it may deem most advantageous and expedient, and shall have the right to cross any navigable stream or canal on its route: *Provided*, a draw sufficient not to impede navigation is placed in its bridges over such streams or canals.

Telegraph or telephone line.

Sec. 16. That the said company is empowered to construct and operate a telegraph or telephone line upon any part of its route.

Sec. 17. That this act shall be in force from and after its ratification, and all laws and clauses of laws in conflict with this act are repealed.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 424.

AN ACT TO AMEND CHAPTER 402, PRIVATE LAWS 1903, IT BEING AN ACT TO AMEND CHARTER OF THE TOWN OF AULANDER, AND TO AMEND CHAPTER 176 OF THE PRIVATE LAWS OF 1905, IT BEING AN ACT ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF AULANDER AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and two of the Private Laws of one thousand nine hundred and three be amended by striking out all of section one after the word "words" in line two, and inserting in lieu thereof the following: "Beginning at the center of said town where Main and Commerce streets cross, and in the center of the crossing of the two said streets in said town, and running a due course each way north, south, east, and west, from said center and crossing of the two said streets, a distance of one (1) mile each way, then squaring the same from point to point."

Corporate limits.

Sec. 2. That section one of chapter one hundred and seventy-six of the Private Laws of one thousand nine hundred and five be and the same is hereby amended so as to read as follows: "That the territory embraced in the town of Aulander as described and designated in section one hereof shall be and the same is hereby created a public school district to be known as the Aulander Graded School District."

Aulander graded school district.

Sec. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 425.

AN ACT TO AMEND THE CHARTER OF THE MOUNTAIN RETREAT ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. That the managing committee of the Mountain Retreat Association shall have the privilege and power, and the power is hereby expressly granted to said managing committee of said association, to levy, lay, and collect an annual license and privilege tax upon the following callings, professions, and the various kinds of business hereinafter mentioned: *Provided, however*, the said managing committee may in its discretion prohibit any or all of the hereinafter mentioned callings, trades, profes-

License taxes.

Proviso: power of prohibition.

sions, occupations, or businesses within the territory or bounds of Mountain Retreat or Mountain Retreat Association, and may within its discretion refuse to grant a license or privilege tax to conduct, carry on, or pursue any calling, profession, occupation, trade, or business within said bounds or territory:

Stables and transfer lines.

(1) On every person, firm, or corporation who shall carry on, engage in, or conduct a livery, feed or sales stable business in the town of Mountain Retreat, or transfer business in said town, an annual tax not to exceed one thousand dollars.

Hucksters and peddlers and dealers in country produce.

(2) On all hucksters, peddlers, and venders of chickens, eggs, fruits, vegetables, or other fowls and produce, an annual license tax not to exceed one hundred dollars.

Dealers in fresh meats.

(3) On all retail dealers in or peddlers or venders of fresh meats, oysters, or fish, an annual license tax not to exceed one hundred dollars.

Boarding-houses.

(4) On each boarding-house, an annual license tax not to exceed one hundred dollars.

Automobiles.

(5) On each automobile or other vehicle used for the purpose of transporting passengers or baggage, an annual license tax not to exceed fifty dollars.

Merchants.

(6) On every person, firm, or corporation conducting a mercantile business in the town of Mountain Retreat, an annual license tax not to exceed two hundred dollars.

Power to levy license taxes.

Sec. 2. The managing committee of said Mountain Retreat Association shall have the privilege and power, and the power is hereby expressly granted to said managing committee of said association, to levy, lay, and collect from every person, firm, or corporation who shall engage in any trade, profession, occupation, or business within the territory or bounds of Mountain Retreat or the bounds of Mountain Retreat Association, including the trades, professions, occupations, or businesses mentioned in section one hereof of this act, which shall be in lieu of the specific sums mentioned therein for said license or privilege tax, an annual license or privilege tax in such sum and upon such basis or classification as shall be determined upon and adopted by said managing committee of the said Mountain Retreat Association. The said managing committee shall have the privilege and power, and the power is hereby expressly granted to said managing committee, to adopt ordinances prescribing the rules and regulations providing the method or means by which the amount of any tax may be ascertained or information furnished or provided to ascertain the true or correct amount of taxes chargeable.

Ordinances for taxes.

Application for license.

Sec. 3. Before any person, firm, or corporation shall engage in the conduct or carrying on of any business of any kind in the town of Mountain Retreat, or within the territory of the Mountain Retreat Association, such person, firm, or corporation shall apply to said managing committee of said association for a license to engage in and carry on said business, and if such license shall be

Issue of license.

granted, then the said managing committee shall direct, authorize, and empower the manager or tax collector of said Mountain Retreat Association to issue to said person, firm, or corporation a license to carry on, engage in, and conduct such business as shall be determined upon by said managing committee, and the tax collector or manager of said Mountain Retreat Association shall, upon the authority and direction of the managing committee, issue to said person, firm, or corporation an annual license to conduct such business, profession, or occupation as shall be allowed by the managing committee of said Mountain Retreat Association.

Doing business without license or violation of ordinance misdemeanor.

Sec. 4. No person, firm, or corporation shall engage in any business, trade, profession, or occupation within the town of Mountain Retreat or within the territory of the Mountain Retreat Association, without first obtaining a license therefor from the manager, tax collector, or other lawful authority of the Mountain Retreat Association; and any person, firm, or corporation violating the provisions of this act and engaging in any business, trade, profession, or occupation without having in his possession a license therefor, signed by the tax collector, manager, or other lawful authority of the Mountain Retreat Association, or who shall violate any ordinance or ordinances of the said Mountain Retreat Association relating to or concerning the revenue of or taxation by said association, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Punishment.

Rules and regulations for entering territory.

Sec. 5. That the managing committee of the Mountain Retreat Association shall have the privilege and power, and the power is hereby expressly granted to said managing committee of said association, to prescribe and enforce rules and regulations governing the terms, conditions, and charges upon which persons and vehicles may enter the territory or grounds of said Mountain Retreat Association.

Fees for entering territory and attendance on exercises.

Sec. 6. The managing committee of the Mountain Retreat Association shall have the right and privilege, and power is hereby expressly granted to it, to charge and collect fees and compensation from all persons entering the grounds or territory of said association to attend the conferences, meetings, and assemblies, educational, religious and literary, which shall be held and conducted upon the grounds of said association; and said managing committee is hereby expressly authorized and empowered to levy, charge, and collect fees and compensation from all persons entering the grounds of the Mountain Retreat Association during the period in which the summer conferences, meetings, and assemblies shall be in session, the fees and compensation for entering the grounds of the association and for attending the conferences, meetings, and assemblies to be fixed and determined by the managing committee of said association and a schedule thereof posted at conspicuous places upon the grounds of the association and at the

Schedule of fees to be posted.

entrances to the grounds and territory of the said Mountain Retreat Association.

Power to pass ordinances.

Sec. 7. The said Mountain Retreat Association shall have the right and power, and power is hereby expressly granted to the managing committee of said association, to pass, adopt, and establish ordinances, rules and regulations to promote the good government and general welfare of said association and the public and persons within its territory.

Violation of ordinances misdemeanor.

Sec. 8. That if any person, firm, or corporation shall violate any ordinance, rule or regulation duly passed and adopted by the managing committee of the Mountain Retreat Association, such person, firm, or corporation shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding thirty days or fined not exceeding fifty dollars.

Punishment.

Jurisdiction of recorder.

Sec. 9. The recorder, duly elected by the managing committee of the Mountain Retreat Association, is hereby clothed with all the jurisdiction of a magistrate or justice of the peace under the laws of North Carolina within the territory of the Mountain Retreat Association.

Powers delegated to executive committee.

Sec. 10. That the executive committee of the Mountain Retreat Association, duly appointed by the managing committee of said association, shall be vested with all the authority and power granted by the laws of North Carolina to the managing committee of the Mountain Retreat Association.

Territory established as tax district.

Sec. 11. The board of county commissioners of Buncombe County are hereby authorized and fully empowered to establish a territory within the bounds of the Mountain Retreat Association as a tax district in the county of Buncombe, and the tax collector of Buncombe County is hereby authorized and empowered to appoint a tax collector to collect all taxes within the territory of the Mountain Retreat Association.

Appointment of tax collector.

Employment of deputy sheriff authorized.

Sec. 12. The board of county commissioners of Buncombe County are authorized and fully empowered to employ a deputy sheriff for the territory included within the bounds and limits of the Mountain Retreat Association at such salary as shall be agreed upon between the county commissioners and such deputy sheriff; said deputy sheriff to be appointed by the Sheriff of Buncombe County upon the nomination and election of said board of county commissioners, and shall be clothed and vested with all the power and authority of deputy sheriffs under the laws of North Carolina.

Appointment and powers of deputy.

Sec. 13. That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 14. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 426.

AN ACT TO CHANGE THE NAME OF SPECIAL-TAX DISTRICTS No. 1 IN PEMBROKE TOWNSHIP, No. 1, IN BURNT SWAMP TOWNSHIP, AND A PART OF SPECIAL-TAX DISTRICT No. 4, IN RED SPRINGS TOWNSHIP, ALL IN ROBESON COUNTY AND FOR THE WHITE RACE; TO CONSOLIDATE SAID SCHOOL TERRITORY; TO CREATE PHILADELPHUS GRADED SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID GRADED SCHOOL DISTRICT TO ISSUE BONDS; AND TO LEVY AN ADDITIONAL SPECIAL TAX.

The General Assembly of North Carolina do enact:

Vote of special tax and bond to create taxing district.

Section 1. That upon a majority of the qualified voters residing in Special-tax District, No. 1, white race, in Pembroke Township, in Special-tax District, No. 1, white race, in Burnt Swamp Township, and that part of Special-tax District, No. 4, white race, in Red Springs Township hereinafter described, all in the county of Robeson, voting in favor of the special tax and bonds hereinafter provided for, the names of the said districts and part of district included in the territory hereinafter described shall be changed, and a taxing district to be known and designated as Philadelphus Graded School District shall be and is hereby created, and the boundaries of the said Philadelphus Graded School District shall be as follows: Beginning at the Vardell place on the Red Springs line and runs down about north to the run of Big Raft Swamp; thence down said swamp to J. T. Denny's upper line; thence as his line to D. McC. Smith's (deceased) east corner; thence direct to the Atlantic Coast Line Railroad where W. S. McMillan's west line crosses the said railroad; thence as the east side of the said railroad right of way to the first crossing on the said railroad north of Buie station section-house; thence along the road to Panther Ford Bridge; thence down the run of Richland Swamp to W. McK. Glover's lower line; then as his line to the Eureka Road; thence along that road to the old Lumberton Road; thence along the old Lumberton Road to the Chicken Road; thence along the Chicken Road to Moss Neck; thence along the northern line of the right of way of the Carolina Central Railroad to the seventy-seventh mile-post thereon; thence direct to the McLaughlin line on Lumber River; thence along Lumber River to the Red Banks Bridge; thence northeast along the Red Banks and Lowry roads to the Turnpike Road; thence a direct line to the corner of the Philadelphus District, A. T. McCallum's corner near Cain McNeill's place; thence along the northwest line of A. T. McCallum to the Richland Swamp; thence down said swamp to the Richland Swamp Bridge on the Lowry Road; thence along the Lowry Road to the Vardell place, the beginning corner.

Name of district.

Boundaries.

Sec. 2. That upon the ratification of this act by a majority of the qualified voters residing in the above described territory, the names of the said taxing districts and part of district shall be changed and shall be "Philadelphus Graded School District," and the board of trustees hereinafter named, and their successors in office, shall be and they are hereby constituted a body corporate by the name and style of the "Board of Trustees of Philadelphus Graded School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, devise, or otherwise, real estate and personal property; hold, exchange, mortgage, or sell the same, and exercise such other rights and privileges as are incident to other corporations; and may have a corporate seal; and said board of trustees is hereby fully authorized and empowered to execute and deliver a mortgage or deed of trust to be signed by its chairman, attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property title to which is or may hereafter be vested in said Philadelphus Graded School District or in said board of trustees, to secure the bonds herein provided for and the interest on the same.

Names changed.

Trustees incorporated.

Corporate name.

Corporate powers.

Power to execute mortgage.

Sec. 3. That the board of trustees of said Philadelphus Graded School District, hereinafter provided for, or their successors in office, shall be and they are hereby authorized and empowered to issue bonds of the said Philadelphus Graded School District to an amount not exceeding fifteen thousand dollars ($15,000), in such denominations as said board of trustees may deem advisable, bearing interest from their date at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be in such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from date of issue, and at such place or places, as said board of trustees may determine: *Provided*, that said board of trustees may issue bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for.

Bond issue authorized.

Amount.

Denomination.

Interest.

Maturity.

Proviso: bonds issued as required.

Sec. 4. That the proceeds arising from the sale of said bonds, or of such thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary, and furnishing the same with all necessary equipment.

Expenditure of proceeds.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a price less than par; nor shall said bonds or the proceeds thereof be used or devoted to any other purpose than those declared in section four of this act.

Sale below par forbidden.

Specific appropriation.

Additional special tax.

Sec. 6. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the graded schools provided for in this act, the board of commissioners of Robeson County shall annually and at the time of levying the county taxes, commencing with the fiscal year beginning next after the ratification of this act by a majority of the qualified voters of the district as herein provided, in addition to the special tax which is now levied as a special tax for school purposes in the territory hereinbefore described under the provisions of Revisal, section four thousand one hundred and fifteen, and which special tax, upon the ratification hereof by a majority of the qualified voters residing in said territory, shall be levied upon all taxable property and polls in the above described territory, levy an additional particular or special tax on all persons and property subject to taxation within the above described territory, not to exceed fifteen cents on the one hundred dollars valuation of property as assessed and not more than forty-five cents on each taxable poll.

Limit of rate.

Collection and settlement of tax.

Sec. 7. That said taxes shall be collected by the Sheriff of Robeson County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of the board of trustees of said Philadelphus Graded School District: *Provided*, the said treasurer of said board of trustees shall first enter into good and sufficient bond, payable to the board of trustees, in such amount as the said board of trustees may direct, conditioned for the faithful safe keeping and disbursing of said taxes and all other public school funds which may come into his hands for the use and benefit of said graded school district.

Proviso: bond of treasurer.

Act to be submitted to election.

Sec. 8. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act, at an election to be held on the first Monday in May, one thousand nine hundred and thirteen. That thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in some newspaper published in the county of Robeson, or by printed circulars or notices posted at at least ten public places in the above described territory. It shall be the duty of the board of commissioners of Robeson County to appoint a registrar and two judges of election to conduct said election, all of whom shall be qualified voters residing in said territory. It shall be the duty of said registrar to make a new registration of all the persons entitled to vote for members of the General Assembly residing in the territory hereinbefore described, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly, at some fixed place in the town of Pembroke for four successive Saturdays, between the hours of eight a. m. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory; and only those persons who are duly registered in accordance with the provisions hereof shall be deemed

Date for election.

Notice of election.

Election officers.

New registration.

Beginning of registration.

Registration days.

qualified voters under the provisions of this act. All challenges of voters may be entered on any registration day and shall be passed on by the judges of election and registrar on the day of election. Said registrar shall receive as compensation for his services the sum of three cents for each voter registered by him and three dollars for his attendance upon the election, and the judges of election shall receive the sum of three dollars each for their services on election day, including making up the returns. Said registrar shall post in the town of Pembroke and at least five other public places in said territory notice of the days, hours, and the place of registration. For the purpose of this act the polls shall be opened at the regular voting place for the election of term officers in the town of Pembroke, at the hour of eight a. m., and shall close at sundown. All costs in connection with such election shall be paid from the funds of Robeson County, and it shall be the duty of the board of commissioners of Robeson County to pass upon and pay all bills for the same.

Challenges.

Pay of election officers.

Notice of registration.

Hours of voting.

Cost of election.

Sec. 9. At said election those who are in favor of the creation of the said graded school district and the issuance of the bonds herein provided for shall vote a written or printed ballot with the word "Approved" thereon, and those opposed to creating said graded school district and issuing said bonds shall vote a written or printed ballot with the word "Disapproved" thereon. The number of voters registered and the number of ballots cast for and against the creation of the district and the issuing of the said bonds shall be counted and the result of said election certified and returned to the register of deeds for Robeson County, who shall furnish to the board of trustees of said graded school district a certified copy of said returns under his hand and seal, and also send a copy of the said returns to the Secretary of State, which said returns he shall file in his office. If at the election a majority of the qualified voters of said district shall vote "Approved," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees and take such steps as may be necessary for the issuance and sale of the bonds herein provided for, and shall enter upon the duties enjoined upon them by this act.

Ballots.

Count and certificate of result.

Copies of certificate.

Trustees to qualify and enter on duties.

Sec. 10. That Paisley McMillan, D. P. Buie, William Tiddy, Austin Smith, A. C. McLeod, Neill McInnis, and J. A. McCormick be and they are hereby appointed and constituted the board of trustees of said Philadelphus Graded School District as herein provided, and D. P. Buie and A. C. McLeod shall hold their office for two years; Austin Smith and William Tiddy shall hold their office for four years, and Paisley McMillan, Neill McInnis, and J. A. McCormick shall hold their office for six years; and each trustee shall hold until his successor shall be appointed and shall qualify in accordance with the provisions of this act; and the term of office of said trustees shall be considered as beginning on the first Monday in May, one thousand nine hundred and thirteen.

Trustees named.

Terms of office.

Beginning of term.

Appointment of successors.

Sec. 11. Whenever the term of office of any class of trustees shall expire, as above provided, their successors shall be appointed for a term of four years by the board of education of Robeson County, the persons to be appointed to be qualified voters of the said graded school district hereby created. All vacancies in said board caused by death, resignation, removal from the district, or otherwise, shall be filled by the remaining members of the board, and the person so chosen shall fill and serve out the unexpired term, and at the end of such unexpired term his successor shall be appointed by the board of education of Robeson County as hereinbefore provided. The office of trustee shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina.

Vacancies.

Trustees not officers.

Organization of trustees.

Sec. 12. That after the ratification of this act by a majority vote of the qualified voters residing in said territory, said board of trustees at their first regular meeting, and annually thereafter, on the first Monday in June in each year, shall elect from their number a chairman and a secretary. The said board shall also elect a treasurer, who may or may not be a member of said board of trustees. The treasurer shall have charge of all the money received and disbursed and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive such compensation as may be fixed by said board and shall give such bond as may be required by said board. The secretary shall keep the minutes of all meetings and shall attest the signature of the chairman to all legal documents, and he shall be the custodian of the corporate seal and shall issue, by order of the board, all vouchers or warrants for the payment of money.

Treasurer to have charge of funds. Monthly reports. Compensation and bond.

Duty of secretary.

Annual reports.

Sec. 13. That it shall be the duty of the said board of trustees to make, annually, to the board of education of Robeson County, after the close of each school year, a full and complete report of the operation of said graded schools, together with a financial report which shall show all receipts and disbursements, and the said report shall contain such data and other information as may be required under the general school law or by order of said board of education; and a copy of said report shall be posted in some public place in the town of Pembroke for the information of the taxpayers of the said graded school district.

Report to be posted.

Employment of teachers.

Sec. 14. Said board of trustees shall not employ as a teacher in said graded schools any person who shall not be entitled to teach in the public schools of Robeson County under the general school law. The board of trustees shall have the right, in the exercise of their discretion, to admit to the said graded schools students or pupils residing out of the said graded school district, and to charge, collect, and receive from such students or pupils such tuition or other charges as may be fixed by the said board of trustees.

Nonresident pupils.

Sinking fund.

Sec. 15. That it shall be the duty of the said board of trustees of said district, commencing with the fifth year after their qualification, under the provisions hereof, to provide a sinking fund for the payment of the principal of said bonds at maturity, and, for that purpose, to set apart each year, from the taxes collected or moneys appropriated to said school districts, a sum sufficient to pay off and fully discharge the principal of said bonds at maturity, which sinking fund shall be kept securely invested or loaned out on first real estate mortgage on real estate located in the county of Robeson, worth at least double the amount of the loan. It shall also be the duty of said board of trustees to provide for the payment, semiannually, of the interest on said bonds, and, for that purpose, to set apart from the taxes collected or moneys appropriated to said school districts a sum sufficient to pay the same.

Investment of sinking fund.

Payment of interest.

Moneys paid to school treasurer.

Sec. 16. That all public school funds derived from the State and county of Robeson, and which may from time to time be collected and apportioned under the general school law for school purposes, for the children in said Philadelphus Graded School District; and all moneys to which the said district may be entitled by reason of any special tax, gift, apportionment, or otherwise, shall be paid to the treasurer of said board of trustees, and shall be by him paid out by order of the said board for the proper maintenance of the schools located in said Philadelphus Graded School District and under the provisions hereof: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Orders for disbursements.

Proviso: application of donations.

Special taxes now levied.

Sec. 17. That in case a majority of the qualified voters of the above territory shall not vote "Approved," nothing herein contained shall interfere with the collection of the taxes for the special taxing districts which now constitute said territory, but in such case said special taxing districts, and the trustees thereof, shall remain as at present constituted.

Further election.

Sec. 18. That in case a majority of the qualified voters shall not vote "Approved" at the election herein provided for, the board of commissioners of Robeson County, upon the petition of one-tenth of the qualified voters residing in the above territory, shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint the judge and registrar for said election, the time and place of election to be determined by said board of commissioners, and the machinery for said election, so far as applicable, to be as hereinbefore provided.

Levy and collection of present tax to be continued.

Sec. 19. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be

voted for the issue of bonds shall be over, above, and separate and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of Revisal, section four thousand one hundred and fifteen; and upon the ratification of this act by a majority of the qualified voters of the said graded school district, the special or particular taxes herein provided for shall be levied and collected over, above, and in addition to the special school taxes now levied and collected under authority of existing law.

Transportation for pupils.

Sec. 20. The board of trustees of said Philadelphus Graded School District are hereby authorized and empowered to provide such means of conveyance to secure transportation to and from said graded schools to be built and established under the provisions of this act for such children as reside remotely therefrom as they, in the exercise of their discretion, may deem necessary or advisable.

Sec. 21. That all laws or clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 22. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 10th day of March, A. D. 1813.

CHAPTER 427.

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF MAXTON TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That for the purpose of raising money to erect, construct, and establish a public school building for the school committee of Robeson and Scotland counties, the school committee in said district are hereby authorized and empowered to issue bonds to an amount not exceeding twenty thousand dollars, payable at such time and place as may be designated. Said bonds shall bear interest not exceeding six per cent interest per annum, which interest shall be payable annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each year they have to run; and if the holder of said bonds or coupons shall fail to present the same for payment at the time and place therein named, he shall not be entitled to more than fifteen days interest for the time they have been outstanding after maturity. Said bonds shall be in denominations and forms and shall be determined upon by said school committee, and shall mature and be made payable in not less than twenty years nor more than forty years from the date of their issue, and shall be signed by the chairman of said school committee and counter-

Amount.

Interest.

Denomination and forms.

Maturity.

Authentication.

signed by the clerk and treasurer of the same, and the said clerk and treasurer shall keep a record of the number and amount of each class of bonds issued, the date of issue, when the same matures, and to whom payable. Record of bonds.

Sec. 2. That said bonds shall not be sold, hypothecated, or otherwise disposed of for less than par value, nor shall said bonds or their proceeds be used for any other purpose than that of building, erecting, constructing, or establishing a school building, or the purpose of a site for the same, as mentioned in section one of this act. Sale below par forbidden. Specific appropriation.

Sec. 3. That for the purpose of providing for the payment of the annual interest on said bonds as well as the redemption of the same at their maturity, the mayor and board of commissioners of the town of Maxton, together with the board of commissioners for the counties of Robeson and Scotland, at the time of levying other town, State, and county taxes, levy and lay a special and particular tax on all persons, property, and subjects of taxation which are now subject to taxation under the charter of said town and under the laws of North Carolina in the counties of Robeson and Scotland, and the various amendments thereto, or which hereafter by future amendments may become subject to taxation, sufficient to meet the annual accruing interest on said bonds; the taxes provided for in this section shall be collected in the same manner and at the same time the other town taxes are collected and other State and county taxes are collected in the counties of Robeson and Scotland, and shall be accounted for and kept separate from other taxes, and shall be applied exclusively to the purposes for which they are collected; and it is further provided that after the expiration of five years from the issuance of said bonds or any part of them, an additional special tax, if that be deemed expedient and advisable, may be in like manner levied and collected each and every year sufficient in amount to redeem and retain each and every year thereafter five per cent of said bonds issued and outstanding. Special tax. Collection. Taxes kept separate. Exclusive application. Tax for payment of bonds.

Sec. 4. That none of said bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified voters of said district at an election to be held in said town of Maxton on a date to be designated and fixed by the mayor and board of commissioners of said town at any time after ten days from and after the ratification of this act, and after the expiration of a public notice for thirty days preceding the said election, giving time and place where the said election shall be held, which said notice shall contain a synopsis and purpose of this act, and shall be published once a week for four consecutive weeks immediately preceding said election in the newspaper published in said town; said election shall be held and returns thereof made under the same provisions, rules and regulations as exist in cases of election for mayor and board of commissioners for said town. Bond issue to be voted on. Date for election. Notice of election. Law governing election.

Votes. Those qualified voters approving the provision of this act shall vote "For Bonds"; those not approving this provision shall vote "Against Bonds." If it shall appear from the returns of said election that a majority of the qualified voters of said district have voted in favor of the issuance of said bonds, then the same may be issued in accordance with the provisions of this act; otherwise, no bonds shall be issued.

Effect of election.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 428.

AN ACT TO AMEND CHAPTER 30 OF THE PRIVATE LAWS OF 1905, RELATING TO THE CHARTER OF THE TOWN OF MOUNT OLIVE.

The General Assembly of North Carolina do enact:

Section 1. That section thirty of chapter two hundred and one of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said section the following: "*Provided*, that no graduated privilege tax shall be levied on gross sales, but only such flat privilege taxes as may, in the judgment of the commissioners, be fair and just."

Proviso: license taxes not graduated.

Sec. 2. All laws and clauses of laws in conflict with this law are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 429.

AN ACT TO INCORPORATE SELMA, LOUISBURG AND NORTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators. Section 1. That R. M. Norwell, R. E. Richardson, John W. Futrell, J. B. Person, George D. Vick, and J. W. Barnes, all of Johnston County, North Carolina, and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body corporate and politic, and to exist for the term of sixty years under the name and style of "Selma, Louisburg and Northern Railroad Company," and in that name

Incorporation.

Corporate name.

Corporate powers.

may sue and be sued, plead and be impleaded, contract and be contracted with, shall have power to adopt a common seal and change the same at will, and shall be capable of taking by purchase, gift, or in any other way real or personal property, and holding leases, conveying or of dealing with the same, and for the purpose of enabling the corporation to do all the things and acts necessary for its purpose, it is hereby invested with all the rights, privileges, immunities, and powers conferred upon railroad companies by chapter sixty-one of the Revisal of one thousand nine hundred and five, entitled "Railroad Companies," and amendments thereto, and to make ordinances, by-laws, and regulations consistent with the laws of this State and the laws of the United States for the government of all under its authority, for the management of its estate, and for the due and orderly conduct of its affairs.

Sec. 2. That said company, upon its organization as hereinafter provided, shall have the power to survey, lay out, construct, equip, maintain, and operate by steam, electricity, or any other motive power, a narrow- or broad- or standard-gauged railroad, with one or more tracks, and telegraph and telephone lines, from or near the station of Selma in the county of Johnston to a point at or near Wendell, or Wakefield, in the county of Wake, and thence in a northerly direction through the counties of Franklin, Vance, Granville, and Warren, to any connection with any other railroad now constructed or to any point on the North Carolina-Virginia State boundary line, with the right to project branch lines into Wilson, Wake, Durham, Nash, and Johnston counties, and in such other directions as may be decided by the board of directors of said corporation; and along all of said routes the said company shall also have power to connect its tracks with any other railroad company now chartered or that may hereafter be chartered, and to lay down and use tracks through or into any town or city along its proposed line by and with the consent of the corporate authorities of such city or town.

Construction and maintenance of railroad.

Termini and route.

Branch lines.

Connections with other roads.

Tracks in towns and cities.

Sec. 3. The capital stock of said company may be fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege to increase the same from time to time, as the stockholders may determine, to a sum not to exceed one hundred and twenty-five thousand dollars: *Provided, however*, that said company may organize and elect a board of directors when as much as two thousand dollars has been subscribed by solvent subscribers. The stockholders may by a majority vote further increase said capital stock from time to time to an amount not exceeding five hundred thousand dollars: *Provided*, that before increasing said capital stock above the amount of one hundred and twenty-five thousand dollars, they shall pay to the State fees and taxes provided by law upon such increase as may be made. The holder of stock in said company shall at all meetings of the stockholders

Capital stock.

Shares.

Proviso: minimum for organization.

Increase of capital.

Proviso: fees and taxes on increase.

Stock votes.

be entitled, either in person or by proxy, to one vote for each share of stock held by him, and a majority of the stock shall constitute a quorum at all meetings of the stockholders. Subscriptions to the stock may be made in money, land, or other property, in bonds, stocks, credits, contracts, leases, options, mines, rights of way, and other rights and easements, labor or service, upon such terms as may be agreed upon or provided by the subscribers and board of directors of said company, and there shall be no individual liability upon takers or holders of said stock beyond the unpaid subscriptions thereto. If any subscriber to the stock of this company shall neglect or refuse to pay any installment of his subscription when it becomes due, as required by the board of directors, said board may declare his stock forfeited, as well as the previous payments thereon, to the use and benefit of said company; but before declaring it forfeited, the said stockholder shall have served upon him a notice in writing, in person or by deposit of said notice in the postoffice with the postage paid, directed to him at the postoffice near his usual place of abode, or to the postoffice address as given opposite his name to the subscription paper, and stating that he is required to make such payments within sixty days from the date of such notice, at such time and place as is named thereon, and at the expiration of said period of sixty days, if the subscription is still in default, the board of directors may exercise the power of forfeiture above conferred.

Quorum.

Subscriptions.

Stockholders not individually liable.

Forfeit of stock for unpaid subscription.

Books of subscription.

Sec. 4. The corporators mentioned in this act shall have power to open books of subscription in person or by agent or agents at such place or places, either within or without the State, as any such majority may fix, and with or without notice, as such majority may determine, and to keep the same open for such time and under such conditions, rules and regulations as they the said majority may deem necessary or expedient; and the said corporators or a majority of them, and as they, the said majority, deem proper after ten days notice served upon or mailed to the subscribers at such address as may be given opposite their names to such subscription paper, may call together the subscribers to the said shares of stock at any place within this State; and the said subscribers, or such of them as shall attend or send proxy, may then complete the organization of said company by electing a board of directors to consist of such members as they may determine, which board shall not be less than six nor greater than twelve, and such other officers as may be provided for to be elected at the stockholders' meeting by the by-laws hereinafter provided for, and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of the said company may prescribe to be elected by the board of directors, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to complete the organization of the said company and to

Call of meeting for organization.

Election of directors.

Other officers.

President and other officers and agents.

carry into effect the objects of this act; and to enable them to perfect their organization they are hereby invested with and may enjoy all the rights, powers, liberties, privileges, immunities, and franchises pertaining to corporations under the general laws of the State.

Annual meetings.

Sec. 5. The annual meeting of the stockholders shall be held on such day or days as is or may be prescribed by the by-laws, or if none be prescribed then on such day as the stockholders may in a general meeting from time to time appoint, or in the absence of such appointment by the stockholders, on such day as the board of directors may designate, and at such place within the State as shall be fixed from time to time by the board of directors. Notice of the annual meeting shall be sent to each stockholder by the secretary of the company in the way and manner provided for in the by-laws.

Notice of annual meetings.

General meetings.

Sec. 6. A general meeting of the stockholders may be held at any time upon the call of the board of directors, or of the stockholders holding together one-tenth of the capital stock, upon their giving a notice, as provided for in section five, of the time and place of such meeting for at least ten days before the said meeting. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.

Business transacted at general meetings.

Election of directors.

Sec. 7. An election of directors shall be by ballot and shall be held at the annual meeting, unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any vacancy that may occur in the directorate during the time for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their board or from among the stockholders, in such manner as the regulations of the company may prescribe, and shall hold their office until their successors shall be elected and assume their duties. There shall be a secretary and treasurer elected by the board of directors, and may be one and the same person. In the absence at any meeting of the board of directors of the president and vice president, or of the secretary, the board may appoint a president and secretary *pro tempore*. The board of directors shall have authority to adopt by-laws for the government of the corporation, subject, however, to amendment or repeal by the stockholders.

Term of office.

Vacancies.

Officers elected by directors.

Secretary and treasurer.

President and secretary pro tempore.

By-laws.

Issue and transfer of stock.

Sec. 8. The company shall issue certificates of stock to its members, and the stock may be transferred in such manner and form as may be prescribed in the by-laws of the company.

Power to purchase or lease other roads.

Sec. 9. That the said company may have power to take by purchase, lease, or otherwise, the railroad, franchises, and property of

Power to sell or lease road.

Rights of leasing or purchasing company.

Power of consolidation or merger.

Consolidated company.

Rights and liabilities of new company.

Subscriptions to other companies.

Power to use portions of road.

any other railroad, logging or lumber road now constructed or that may hereafter be constructed in this State or elsewhere. It may assign or lease its property and franchises, or any part thereof, to any other railroad company incorporated by the laws of this or any other State, and the railroad company leasing or purchasing this road shall hold, own, and enjoy the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so leasing or purchasing shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to the company incorporated by this act, and the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The company shall have power to consolidate, merge, or pool its capital stock with any other corporation chartered by the laws of this or any other State, and may lease or be leased, operate or be operated by such corporation by and with the consent of a majority of the stockholders of the respective corporations voting separately, and the consolidated corporation will become a new corporation under any name to be designated by the terms of the agreement, and a certified copy of the agreement shall be filed in the office of the Secretary of State, and shall be taken to be the agreement and act of consolidation of said corporation, and a copy of said agreement and act of incorporation duly certified by the Secretary of State, under his seal, shall be evidence of the existence of the new corporation; and the new corporation is hereby invested with and shall have and possess all the corporate powers, rights and privileges and be subject to all the duties and liabilities of the railroad incorporated by this act, together with all the property, powers, rights, and privileges contained in the charter of the company or companies with which it becomes consolidated or merged; and such consolidated company may from time to time increase its capital stock to any amount that the stockholders of the consolidation may by a majority vote determine. The company incorporated by this act may subscribe to or purchase the capital stock, bonds, or credits of any other corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to or purchase the stock, bonds, or credits of this company; and the company shall have power to represent its capital stock by it held in other companies through an agent or proxy appointed by the president of the company. This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed, and may charge toll for the transportation of passengers and freight on its road, and for the transmission of messages and for the use of its telegraph and telephone lines on any such section of

its road or line: *Provided*, that nothing contained in this act shall be construed to allow said company to become the channel through which competing railroads, lines, or companies shall merge or consolidate. Proviso: merger of competing lines forbidden.

Sec. 10. The company shall have right and power, when necessary or convenient, to construct their said road across any public road or street, at such point as may be determined, or along the side of any public road: *Provided*, that the company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company. It shall likewise have the power to construct dams, culverts, trestles, bridges over and across streams, valleys or depressions and to cross any navigable stream or canal on its road. It shall likewise have the right to cross at grade, over or under any other railroad constructed or that may hereafter be constructed at any point on its road, and to intersect, join, or unite its line of railway with any other such railroad upon the ground of such other company or companies at any point on its route, and to build turnouts, sidings, switches, and side-tracks and any other conveniences in furtherance of its object of construction, and may, in making intersection or connection with any other railroad, have all the rights, powers, and privileges conferred upon railroads by the laws of this State. Right to cross roads and streets. Proviso: new road to be constructed. Dams, culverts, trestles, and bridges. Crossings and connections with other railroads. Turnouts, switches, and side-tracks.

Sec. 11. Whenever for any cause this company is unable to agree with the owners of land or any railroad company owning any right of way, or any town or city owning any town or street or public way, over or near which it proposes to extend its road, for the purchase of such land or rights of way for its depot, roadbeds, quarries, or other purposes of the company, the said company may file a petition with the clerk of the Superior Court of the county in which the land lies, stating the object for which the land is desired, with a description and plat thereof. A copy of such petition, with a notice of the time and place when and where the same shall be heard by the clerk, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the hearing of the same by the clerk in the manner provided for by law, and in the event that any of the persons interested in said cause are unknown or nonresidents of this State, such notice may be served by advertisement in the same way and manner as provided in the general law for the service of notice on nonresidents, and such advertisement shall state briefly the object of the application, and give a description of the lands to be taken. The clerk of the Superior Court shall thereupon appoint three disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time to be fixed in the order of appointment, not more than ten days after the appointment, unless a later date be fixed by consent, to assess the damages. The appraisers shall take into consideration the Power to condemn land. Petition for condemnation. Copies of petition served. Service by publication. Jury of view. Considerations governing appraisal.

actual value of the land, together with the damage to the residue of the tract beyond the peculiar benefits to be derived, in reassessment, which shall be of the fee-simple value of the property proposed to be taken by the company. The appraisers shall make their report to the clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds after being approved by the clerk, and payment of the damages assessed by the appraisers and proven by the clerk of the parties interested shall have the force and effect of an easement for such property to the company. Either party may appeal to the Superior Court, in term, from the approval or disapproval of the clerk: *Provided*, such appeal be prayed within ten days from the approval or disapproval of the clerk, and in such appeal may present such evidence as they may desire, and the trial shall be *de novo* in the court, but the burden of proof shall be upon the party objecting to the finding of the appraisal. If the said company shall pay to the parties, or in the court, the sum appraised by the appraisers, then and in that event the said company may enter and take possession of and hold said lands, notwithstanding the pendency of appeal, until final judgment is rendered on such appeal, and the appellant or owner of the premises shall not be entitled to an injunction, restraining order, or other process that would hinder, delay, or obstruct the work. In the event that the true owner of the property taken as above mentioned is not notified as above provided, then such owner may within two years, but not afterwards, petition the Superior Court of the county in which the land lies for an assessment of the value thereof; but no action for ejectment shall be brought by him, nor the occupation or possession of the company in any wise disturbed, unless within the time to be fixed by the court it shall fail to pay such damages as may be assessed for the value thereof: *Provided, however*, that in case the true owner be at the time of such occupation under any legal disability, he may file a petition for an assessment of the damages within two years from the removal of such disability.

Report of appraisers.

Record of report.

Right of appeal.

Proviso: time of appeal.

Entry pending appeal.

Time for assertion of rights.

Proviso: owner under disability.

Limit of land condemned.

Sec. 12. The right of said company to condemn or take lands under this act shall be limited to a space of fifty feet on each side of its roadbed measured from the middle line of same, except in case of deep cuts or high embankments, when the said company shall have a right to condemn as much in addition thereto as may be necessary for the construction of its road; and except, also, that for depots, warehouses, stations, station grounds, shops or yards, gravel pits, quarries, or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place.

Entry on land for surveys.

Sec. 13. That it shall be lawful for the said company, through its agents, superintendents, engineers, or other persons in its employ, to enter at any time upon all lands and waters for the

purpose of exploring, surveying, and locating its line or lines upon the same and of making a plat or plats thereof.

Municipalities may subscribe to stock.

Sec. 14. That any county, township, city, or town along or near the line of the construction or proposed road of this company may subscribe to the capital stock of said company, either in money, bonds, securities, or other property, in the following manner, upon the presentation of petition blanks signed by not less than ten per centum of the registered voters of the county, township, city, or town, to the board of commissioners of such county or other proper authorities of said city or township, requesting them to submit to the qualified voters of the county, city, town, or township where such petitioners may reside a proposition to subscribe a definite sum, to be named in said petition, and whether in money, bonds, or otherwise, to the capital stock of the company, the board of commissioners of said county or proper authorities of said city or town shall within thirty days order an election to be held in such county, township, city, or town, and submit to the qualified voters thereof the question of subscription to the capital stock of the said railroad company the amount specified in the petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which there shall be written or printed the words "Against Subscription," and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of county, township, city, or town officers by the general election laws of the State. Such election to be held after thirty days notice thereof, specifying the amount of the proposed subscription, shall have been posted at the courthouse door of such county, and at every polling place in such county where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county, or to the proper authorities of the said city or town. If a majority of the qualified voters shall vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall meet and make such subscription and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate upon account of what county, township, city, or town they are issued. They shall be in denominations of not less than five hundred dollars and not more than one thousand dollars, and each shall run for such number of years and bear such rate of interest, not exceeding the rate prescribed by law, as the petition and order of election shall indicate. They shall be signed, if issued by county or township, by the chairman of the board of county commissioners and by the clerk of the said board, witnessed by the official seal thereof; and

Petition for election.

Order for election.

Ballots.

Law governing elections.

Notice of election.

Returns.

Subscription if voted.

Issue of bonds.

Denominations.

Maturity and interest.

Authentication.

if issued by a city or town, they shall be signed by the mayor and treasurer of said city or town, witnessed by their official seal.

Special tax.

Sec. 15. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, all the proper authorities in the city or town voting for subscription who are legally empowered to levy other taxes, shall, in order to provide for the payment of the bonds and the interest thereon to be issued under the preceding section, compute and levy each year at the time of levying their other taxes a sufficient tax upon the property and polls of said county, township, city, or town to pay the interest on the bonds issued on account of such county, township, city, or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity: *Provided*, in levying the said tax they preserve the equation between property and polls prescribed by the Constitution of the State. That the taxes levied as above shall be annually collected as other taxes, and it shall be paid by the collecting officers of said county, township, city, or town, to the treasurer thereof, and the taxes levied and collected for this purpose shall be kept distinct from all other taxes and shall be used for the purpose for which they are levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing the said bonds, or in which there is a township issuing the said bonds, or the proper authorities of the city or town issuing said bonds: *Provided*, that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value thereof. In the event that the property, rights, franchises, or any part thereof, of this company are hereinafter acquired under the provisions of this act by any other company, the board of commissioners of any county making such subscription, or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscriptions to such other company as the payees and beneficiary thereof.

Proviso: constitutional equation.

Collection.

Taxes kept separate.

Investment of sinking fund.

Proviso: preferred investment.

Transfer of subscriptions.

Townships and counties incorporated.

Sec. 16. For the purpose of this act all townships and counties along or near the line of the construction or proposed road of this company which may vote to subscribe to the capital stock of this company as provided by this act shall be and are hereby declared to be respectively bodies politic and corporate and vested with full power to subscribe as provided for in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liberties in respect to any of the rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which any

Corporate agents.

such township is located are hereby declared to be corporate agents of the township so incorporated and situated within the limits of the said county respectively, for the purpose of issuing bonds of the said township or townships, and providing for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds and to provide a sinking fund as herein above mentioned, and the said board of county commissioners of any county subscribing to the capital stock of this company, or in which any township is situated subscribing to the capital stock, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders' meeting, or they may appoint an agent or proxy therefor. All provisions contained in any town charter in conflict with any of the provisions of this act are hereby repealed in so far as they are in conflict with this act.

Representation of stock.

Conflicting provisions repealed.

Sec. 17. It shall be lawful for this company to issue coupon or registered bonds in such denominations and running for such time and bearing such rate of interest and payable at such time and place as the board of directors may direct, and to secure the payment of the same said company is authorized to execute one or more mortgages or deeds of trust to such persons or corporations as it may select, on all or any part of its real or personal property, franchises, or privileges; or in case the road be divided and built in sections, such mortgages or deeds of trust may be placed upon such separate sections, or on all and any part of its franchises, and in such manner as the company may direct; and it is hereby further provided that the registration of any mortgage or deed of trust provided to be executed in this section may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises conveyed in such mortgage or deed of trust. This company may, by the action of the stockholders, or through its board of directors, sell, hypothecate, or otherwise dispose of the bonds authorized by this section to be issued, or any part of its stock, bonds, or mortgages.

Issue of bonds by company.

Mortgages.

Registration of mortgages.

Sale of bonds.

Sec. 18. The board of directors of the penitentiary of this State, or any other State into which this company may extend its lines, may, upon application of the president of this company, approved by the Governor of the State, turn over to said company convicts not otherwise appropriated or needed, in the discretion of the State board, not more than two hundred in number, to be worked on the construction of said road upon such terms as may be agreed upon, the said convicts to be guarded and superintended by authorities of the penitentiary and to be hired to said company as is now or may hereafter be provided by law.

Employment of convicts.

Sec. 19. The stockholders of this company or private individuals or corporations, public, private, or municipal, shall not be personally liable for the debts of the company.

Stockholders not personally liable.

Charter not forfeited by nonuse. Proviso: time for organization.

Sec. 20. This act shall not be forfeited by nonuser: *Provided*, that the said company shall be organized within five years from the ratification of this act.

Sec. 21. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 430.

AN ACT TO INCORPORATE STEWARTSVILLE CEMETERY ASSOCIATION.

Preamble: ancient graveyard.

Whereas, in Stewartsville Township, county of Scotland, in the State of North Carolina, there is a very large cemetery or graveyard known as Stewartsville Graveyard, in which there are a great many graves of very distinguished persons, some of the very oldest graves in this section; and whereas the said graveyard has for many years been neglected because of the fact that there is no one whose duty it is to look after the same; and whereas there is a desire in that section that the same shall be properly cared for: Now, therefore,

Preamble: graveyard neglected.

Preamble: desire for proper care.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That H. C. McQueen, William McQueen, A. J. McKinnon, Hector McLean, William Black, W. H. McLaurin, John M. McCormick, John B. McCallum, J. P. Wiggins, A. W. McLean, James P. McRae, A. McL. McRae, H. W. Malloy, Daniel McKenzie, and D. A. Patterson be and they are hereby created a body politic under the name of Stewartsville Cemetery Association.

Incorporation.

Corporate name.

Power to receive and convey property.

Sec. 2. That this corporation is hereby vested with power to receive by gift, purchase, deed, or otherwise all such real and personal property as may be necessary for the purposes of this act, and said corporation may convey by deed or otherwise real or personal property.

Common seal.

Officers.

Sec. 3. This corporation may have a common seal, and shall have for its officers a president, one or more vice presidents, a secretary and a treasurer, and such other officers as to it may seem proper.

Corporate powers.

Sec. 4. This corporation is hereby granted all such powers as may be necessary to manage a cemetery, and may make all such rules and regulations as to it may seem best in regard to the burial of bodies and the perpetuation and maintenance of the said cemetery, and shall have all such other and further powers as may be necessary to manage, control, enlarge, curtail, improve, continue, and perpetuate the same.

Sec. 5. The incorporators named herein, or any five of them, shall meet in the town of Maxton, State aforesaid, after two weeks advertisement in some newspaper published in Laurinburg and in Maxton for two weeks prior to said meeting. Said notice shall state the hour and place of said meeting, and having so met, may organize under this charter, and may associate with them such other persons as they may deem proper, make by-laws, and do such other and further acts as may be necessary for putting in effect this charter. Meeting for organization. Organization.

Sec. 6. Any person who shall injure or deface the tombstones, monuments, or other property belonging to this corporation shall be guilty of a misdemeanor. Injuring or defacing tombstones, monuments, or other property misdemeanor.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 431.

AN ACT GIVING THE TOWN OF OLD FORT A PART OF THE ROAD TAX COLLECTED WITHIN ITS INCORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. That whereas there is a special road tax collected in Old Fort Township, McDowell County, and the citizens and property within the incorporate limits of the town of Old Fort pay their part of said tax, and none of the funds derived from said tax can be used for the improvement of the roads and streets within the incorporate limits, under the existing law: therefore, the sheriff or tax collector of said township is hereby empowered and directed to pay to the treasurer of the town of Old Fort twenty-five per cent of all the road taxes collected on property and polls within the limits of said town, and the town treasurer is hereby given authority to receipt for the same. Special road tax. Payment to town treasurer authorized.

Sec. 2. That the money received by the town of Old Fort as a result of this act shall be used for the improvement of the roads and streets within said town, as the aldermen may direct from time to time. Money used on streets.

Sec. 3. That all laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall apply to all taxes levied after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 432.

AN ACT TO INCORPORATE THE WILMINGTON AND NORTHEASTERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That John T. Bland of Burgaw, N. C., G. B. D. Parker of Chinquapin, N. C., R. G. Grady of Wilmington, N. C., J. F. Johnson of Burgaw, N. C., C. D. Weeks of Wilmington, N. C., and H. F. Wilder of Wilmington, N. C., their associates, successors, and assigns, are hereby created a body politic and corporate for the term of sixty years, under the name and style of "The Wilmington and Northeastern Railroad Company," and under that name may sue and be sued in any court of the State of North Carolina or elsewhere; may have and use a common seal; may acquire, by purchase, gift, devise, lease, or otherwise, any real, personal, or mixed estate, and lease or sell the same, as the interest of the company may require; may acquire, own, operate, or lease any quarries, mines, forests, lumber yards, or furnaces, also steamships, docks, wharves, lighters, barges, tugs, steamboats, and vessels; may lease, buy, or construct telegraph and telephone lines along or near its right of way, and charge tolls, under such rules and regulations as are prescribed by the laws of this State, or at the option of its board of directors; may lease or rent these privileges to other corporate bodies or persons; may build branch roads not extending more than fifty miles each from any point on its main line; may change the name of said company by a vote of a majority of its stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and not inconsistent with law.

Incorporation.

Corporate name.

Corporate powers.

Capital stock.

Right of increase.

Tax on increase.

Shares.

Sec. 2. That the authorized capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars. With each increase of capital stock the tax thereon shall be paid according to law; said capital stock to be divided into shares of the par value of one hundred dollars each. That said capital stock may be subscribed for and paid in money, lands, mines, mineral products, materials, bonds, timber, labor, depot or terminal facilities, tramroads, and unincorporated railroads, rights of way, water craft, or otherwise, as may be agreed upon by the subscriber or subscribers and the said company.

Subscriptions to stock.

Subscription books.

Capital for organization.

Sec. 3. That books of subscription to the capital stock of said company shall be opened by the corporators, or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe. That as soon as ten thousand dollars has been subscribed for *bona fide* by solvent persons to the capital stock the said company shall be

authorized to commence operations and to exercise all the rights, powers, privileges, and franchises granted by this act, and said corporators, or a majority of them, acting in person or by proxy, shall be authorized to call a meeting of stockholders for the purpose of organization, at such place or places as they may deem advisable, giving ten days notice thereof in some newspaper published in Wilmington, and at such meeting and at each annual meeting thereafter a board of not less than six directors shall be elected by the stockholders. That said board of directors shall hold office for one year and until their successors are elected, and shall appoint a president, vice president, and such other officers, agents, and employees as they may deem proper, and fix their duties, and may fill any vacancy occurring in the office of director, president, or vice president, or other officer.

Meeting for organization.

Election of directors.

Term of directors.

President, vice president, and other officers.

Vacancies.

Sec. 4. That after the organization of said company the president and board of directors may again from time to time open books of subscription to the capital stock of said company at such times and places and under such rules and regulations as they may prescribe. No stockholder shall be responsible for any amount greater than his unpaid subscription.

Subscriptions after organization.

Stockholders not personally responsible.

Sec. 5. That said company shall have the power to locate, construct, maintain, and operate a railroad for the transportation of freight, passengers, mail and express from the city of Wilmington into and through either the counties of Pender, Duplin, Onslow, Jones, or Lenoir, to any point it may select in either of said counties, and to build branch roads as herein provided.

Power to construct and operate railroad.

Termini and route.

Branch roads.

Sec. 6. That said company may build its said railroad and branch roads as may be deemed most advantageous and expedient, and it shall have all the powers and privileges contained in volume one, chapter sixty-one, of the Revisal of one thousand nine hundred and five of North Carolina and all of the acts of the General Assembly of North Carolina amendatory thereto.

Construction of roads.

Powers and privileges under general law.

Sec. 7. That said company shall have the right to cross over or under, intersect, join or unite its railroad with any railroad now built or constructed or which may be hereafter built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turnouts, sidings, switches, and other conveniences.

Rights in connection with other roads.

Sec. 8. That when any right of way may be required by the company for the purpose of constructing its railroad and branches, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned, in accordance with volume one, chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina and all the acts of the General Assembly of North Carolina amendatory thereof, to the extent of sixty-nine feet on each side of the track of the said railroad and branches, measuring from the center of the same; and the company shall have the power to appropriate and condemn

Power to condemn land.

Procedure for condemnation.

Limit of land condemned.

Land for depots and other purposes.

land in like manner for the building and erection thereof of depots, warehouses, shops, and other purposes.

Right to borrow money and issue bonds.

Sec. 9. That said company shall have the right to borrow money when so authorized by its board of directors in general or special meetings assembled, and to issue coupon bonds at a rate of interest not exceeding five per cent, and to mature in not less than thirty years, and to secure the payment of the same by mortgage or deed of trust, or trust agreement with any bank, trust company, or corporation on its property, franchises, and effects or otherwise; and should said company issue second-mortgage bonds as hereinafter provided, then in that event it shall not issue first-mortgage bonds exceeding twelve thousand dollars per mile of its main road and branches.

Interest and maturity.

Security.

Limitation.

Construction in part.

Sec. 10. That the said company may begin work upon any point of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion, with all the rights, powers, and privileges hereby granted to this company. That it may, under purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any railroad as a link between different portions of its own line.

Contracts with other roads.

Interchange of traffic.

Sec. 11. It shall be compulsory with the Wilmington and Northeastern Railroad Company, and all other railroads with which it connects, to interchange traffic in a prompt manner; to make the divisions of rates otherwise on all business originating at or destined within the borders of the State, and routing orders of consignees by all transportation lines shall be respected.

Divisions of rates.

Routing orders.

Bond issue for construction.

Sec. 12. That for the purpose of aiding in the construction of the Wilmington and Northeastern Railroad Company, the board of directors of said company shall have the power, in general or special meeting, to issue coupon bonds to an amount not exceeding three thousand dollars per mile upon the said railroad and its branch roads, bearing interest at the rate of six per cent, payable semiannually, the principal of said bonds to be made payable thirty years from the date of issue, and to secure the payment of said bonds and interest by a second mortgage or deed of trust on its property, franchises, and effects, or otherwise. That it shall be lawful for any county, township, city, or town in or through which the said road or its branches may be located, or which may be interested in its construction, to subscribe to the said second-mortgage bonds of said railroad company or to the first-mortgage bonds provided for in section nine, in such sums as a majority of the qualified electors of any such county, township, city, or town may authorize, anything contained in the charter of any such city, town, or other corporation to the contrary, notwithstanding. That the said subscription shall be made in coupon bonds bearing interest at five per cent, interest payable semiannually, and the principal of said bonds to be due and payable thirty years from time of issue, the said bonds to be received by said railroad company at

Limit of amount.

Interest.

Security by second mortgage.

Municipalities may subscribe to bonds.

Subscription in bonds.

Interest.

Maturity.

par, and upon receiving the same the said railroad company shall deliver to such counties, townships, cities, or towns as shall subscribe, a like amount of its second-mortgage bonds bearing six per cent, or its first-mortgage bonds bearing not more than five per cent interest, in exchange therefor; all of said bonds to be in denominations of one thousand dollars each. Exchange of bonds. Denominations.

Sec. 13. That for the purpose of determining the amount of such subscription it shall be the duty of the county commissioners of any county in which the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, or the board of aldermen or the board of commissioners or other municipal authorities of any city or town in or through any part of such city or town the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, upon the written application of fifty taxpayers of any such county, or twenty-five in any township, city, or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city, or town, specifying therein the amount to be subscribed in bonds and whether the bonds subscribed are first-mortgage bonds provided for in section nine or second-mortgage bonds provided for in section twelve, to submit to the qualified electors of such county, township, city, or town, as the case may be, the question of "Subscription" or "No Subscription" to the first- or second-mortgage bonds of said railroad company accordingly as to which class of bonds is specified in said application. And said board of county commissioners, board of aldermen, board of commissioners, or other municipal authority of such city or town, as the case may be, shall order an election, specifying the time, place, and purpose of the election, and shall provide for the holding of the same as is now provided for the holding of elections for members of the General Assembly, except as is hereinafter provided, for the said election in any city or town; that at said election ballots shall be provided upon which shall be printed or written the word "Subscription," and also ballots shall be provided upon which shall be printed or written the words "No Subscription"; and the said board of county commissioners, board of aldermen, or board of commissioners or other municipal authorities of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding sixty days immediately prior thereto, in one or more newspapers published in the county in which such election is to be held, and if there be no newspaper published in such county, then in some newspaper published in the county nearest thereto, and also at the courthouse door of such county, that such an election will be held upon the day therein named. That a new registration may be ordered in accordance Petition for election. Order for election. Law governing election. Ballots. Notice of election.

with law by such board of county commissioners, board of aldermen, board of commissioners, or other municipal authority, as the case may be, of the qualified voters of said county, township, city, or town, for the said election.

Election for counties or townships.

Sec. 14. That all elections under the preceding section shall be held, if for a county or township, according to the law and regulations provided for the election of members of the General Assembly, and if the election shall be held for a county, returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make record of the same. If the election shall be for a township, the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be for a city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen, or town commissioners, or other municipal authorities of such city or town, shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in such county, township, city, or town, as the case may be, shall have voted "For Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, and the mayor or chief officer in all cases of city or town elections, shall, within twenty days after the vote is ascertained, subscribe to the first- or second-mortgage bonds of said railroad company, as the case may be, in behalf of said county, township, city, or town, as the case may be, the sum that may have been named in the said petition, which subscription shall be made in coupon bonds, bearing interest at the rate of five per cent, payable semiannually, and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property in such counties, townships, cities, or towns.

Returns for county.

Returns for townships.

Election for cities and towns.

Subscription if authorized.

Special tax.

Sec. 15. That to provide for the interest on said bonds and their redemption at or before maturity, the board of county commissioners aforesaid or the board of aldermen, or board of commissioners, or other municipal authorities aforesaid subscribing, shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city, or town as may make a subscription of bonds to the said second-mortgage bonds, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and an additional tax sufficient to provide each year a sum equal to one-thirtieth part of the principal of said bonds, for a sinking fund, which amount shall annually be collected as the other taxes are, and paid to the county treasurer or other officer of said county, city, or town, authorized by law to perform the duties of treasurer, as commissioner of sinking fund, and by him invested in said bonds, which shall be canceled by the county commissioners or the municipal authorities of the

Constitutional equation.

Collection and settlement.

Investment of sinking fund.

city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds, at or about par value, he shall invest the same in solvent bonds or securities as may be selected and approved by the county commissioners aforesaid or the proper authorities of any city or town, as the case may be, subscribing to the second-mortgage bonds of said railroad company.

Townships incorporated.

Sec. 16. That for the purpose of this act all the townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties, respectively.

Corporate agents.

Convict work.

Sec. 17. That the State, county, and city convicts may be used in the construction of the said railroad and its branches in such numbers and at such times as may be agreed upon by the proper authorities in charge of said convicts and by said railroad company. The payment for such labor shall be made monthly.

Monthly payments.

Sale or lease to or merger with competing company forbidden.

Sec. 18. The Wilmington and Northeastern Railroad Company shall not be sold, leased, merged, or transferred to any other corporation that is now or may be hereafter constructed, that is now or hereafter may be a competitor, during the period that the State or any county, township, city, or town shall hold seventy-five per cent of the first- or second-mortgage bonds of said railroad company. Only a sufficient amount of the said six per cent second (mortgage) bonds shall be issued in the construction, purchasing, and equipment in exchange with the State of North Carolina, the various counties, townships, cities, and towns for labor performed or bonds subscribed for, not to exceed three thousand dollars per mile of said railroad and its branches.

Limit of second-mortgage bonds.

Time for beginning construction.

Sec. 19. That the construction of the said railroad under this act of incorporation shall be commenced within five years after the ratification of this act.

Sec. 20. This act shall take effect and be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 433.

AN ACT TO AMEND CHAPTER 485 OF THE PUBLIC LAWS OF 1899, AS AMENDED BY CHAPTER 278 OF THE PRIVATE LAWS OF 1909, RELATIVE TO ELECTING TRUSTEES OF WAYNESVILLE GRADED SCHOOLS AND HOLDING PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. That section six of chapter four hundred and eighty-five of the Public Laws of one thousand eight hundred and ninety-nine, as amended by chapter two hundred and seventy-eight of the Private Laws of one thousand nine hundred and nine, be and is hereby amended by adding at the end of section one of said chapter two hundred and seventy-eight of the Private Laws of one thousand nine hundred and nine the following: *Provided*, that no person while mayor, police justice, or a member of the board of aldermen shall be eligible to be elected a member of the board of trustees of Waynesville Graded Schools; and no person while a member of the board of trustees of Waynesville Graded Schools shall be eligible to be elected mayor, police justice, or a member of the board of aldermen of the town of Waynesville.

Proviso: officers not eligible as school trustees.

Trustees not eligible as officers.

Trustees incorporated.

Sec. 2. That W. T. Crawford, B. F. Smathers, J. P. Swift, J. Howell Way, W. J. Hannah, C. W. Miller, J. W. Ferguson, J. F. Abel, and S. L. Stringfield, the present board of trustees of the Waynesville Graded Schools, and their successors in office, are hereby constituted and created and declared a body politic and corporate under the name of the Board of Trustees of Waynesville Graded Schools, with power to acquire and hold title to real and personal property in trust for said Waynesville Graded Schools, and with power to elect a superintendent and employ teachers and fix their salaries, and do everything else necessary for the management and control of said graded schools; and that the persons named in this section as trustees shall remain on said board of trustees only for the time they were each heretofore elected to hold.

Corporate name.

Corporate powers.

Election of trustees.

Sec. 3. That the board of aldermen of the town of Waynesville shall, at its meeting on Saturday after first Tuesday in May of each and every year, or at any regular meeting thereafter, fill all vacancies occurring on said board of trustees caused by expiration of the term of any member of said trustees, and the said trustees shall elect superintendent and teachers for said school.

Superintendent and teachers.

Property vested in trustees.

Sec. 4. That the title and control of all property, real and personal, heretofore or hereafter acquired for said Waynesville Graded Schools shall be vested in and title taken in the name of the board of trustees of Waynesville Graded Schools and its successors, and all property so taken and acquired shall be so held in trust for the use of said graded schools.

Sec. 5. That the mayor and board of aldermen of the town of Waynesville, after the completion of the new graded school building now in process of erection on the said graded school grounds, are authorized to execute and deliver a deed in trust to the board of trustees of Waynesville Graded Schools and its successors, free from encumbrance, to two certain lots purchased with graded school funds, one from S. C. Liner and wife and the other from J. R. Morgan and wife, and deeds taken in the name of the town of Waynesville, which deeds are registered respectively in records of deeds of Haywood County in book number thirty-five, on page number five hundred and thirty-seven, and book number twenty-nine, on page three hundred and thirty-one, respectively, and upon the delivery of said deed shall surrender possession of said property. Lots to be conveyed to trustees.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 434.

AN ACT TO PLACE MRS. CELIA HILDRETH ON PENSION ROLL.

Whereas Thomas Hildreth was a Mexican soldier from North Carolina; and whereas he later enlisted in the Civil War as a Confederate soldier; and whereas Mrs. Celia Hildreth, widow of Thomas Hildreth, deceased, is the recipient of a Federal pension: Now, therefore, Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the name of Mrs. Celia Hildreth, widow of Thomas Hildreth, be and it is hereby placed on the pension roll of North Carolina, and in the class with other indigent widows of Confederate soldiers. Name placed on pension roll.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 435.

AN ACT TO REVISE, AMEND, AND CONSOLIDATE THE CHARTER OF THE TOWN OF BEAUFORT, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the town of Beaufort, in the county of Carteret, shall be and continue as they have heretofore

Corporate name.

been, a body politic and corporate under the name and style of

Rights and property vested.

the town of Beaufort, and under that name is hereby invested with all the property and rights of property which now belong to the

Corporate powers.

corporation under any other name or names, heretofore, and by this name may acquire and hold all such other estate as may be devised, bequeathed, sold, or in any manner conveyed to it from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell, or dispose of the same; and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights, and privileges necessary or belonging to or which shall pertain to municipal corporations.

Present government continued.

Sec. 1a. That the present mayor of said town of Beaufort and the present commissioners of said town shall continue in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as is herein provided.

CORPORATE LIMITS.

Corporate limits.

Sec. 2. The corporate limits of said town of Beaufort shall be as follows: Beginning on the north side of Taylor's Creek at the mouth of a gut or drain which marks the eastern line of James Mason's land, running thence northwardly with said Mason's line to the northeast corner thereof, thence to the southeast corner of the land claimed by the late James H. Taylor by purchase from Valentine Manney and others, thence northwardly with the eastern line of said land to James Ward's line, thence westwardly with James Ward's line to the eastern line of Gordon Street to Town Creek, thence with the various courses of said creek to the Thoroughfare, thence with the Thoroughfare southwardly to the southern line of water lot number one hundred and thirty-two, New Town, and thence along the north side of Taylor's Creek to the beginning.

Division into wards.
First ward.

Sec. 3. That the town of Beaufort shall be divided into three wards, bounded as follows: The First Ward shall consist of that part of the town included within these boundaries: beginning at a point the extreme southwest point of Beaufort and running east with the southern boundary of said town to the middle of

Orange Street where it intersects with the southern boundary of said town; thence running northwardly through the middle of Orange Street to the extreme northern boundary of the town of Beaufort; thence westwardly and southwardly the various meanderings of said boundary to the beginning, so as to include all territory west of the middle of Orange Street. The Second Ward shall consist of that part of the town included within these boundaries: beginning at a point in the extreme southwestern section of the southern boundary of Beaufort where a line through the middle of Orange Street intersects with the southern boundary line of said town and running along the southern boundary of Beaufort eastwardly to a point in the middle of Queen Street where the same intersects with the southern boundary of Beaufort; thence running northwardly through the middle of Queen Street to the extreme northern boundary line of Beaufort; thence westwardly along the northern boundary line to Orange Street where a line in the middle of Orange Street intersects with the northern boundary line of said town of Beaufort; thence southwardly to the middle of Orange Street to the beginning point, so as to include all that territory between the middle of Queen Street and the middle of Orange Street in said town. The Third Ward shall consist of that part of Beaufort included in the town of Beaufort east of the line running through the middle of Queen Street from the extreme southern boundary of the town of Beaufort to the extreme northern boundary of said town, and being all of said town not included in First and Second wards as above set out, and including all the territory east of the middle of Queen Street in said town of Beaufort.

Second ward.

Third ward.

THE TOWN GOVERNMENT.

Sec. 4. That the corporate powers and authorities granted to the said town of Beaufort shall be vested in and exercised by a mayor and six commissioners. No person shall be eligible as mayor or commissioner unless he shall be eligible as a member of the Legislature of this State, and shall have resided in the town six months next preceding the election; and every commissioner elected by the people or selected by the board, as hereinafter provided, shall be a resident of the ward from which he shall be chosen for ninety days next preceding the day of such election.

Mayor and commissioners.

Eligibility.

ELECTIONS.

Sec. 5. There shall on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and every year thereafter, be elected a mayor and six commissioners for the said town of Beaufort. There shall be chosen from each the First, Second, and Third wards by the qualified voters therein two commissioners, and a mayor shall be chosen by the qualified voters of said town. The government of said town shall be vested in the

Town election.

Government of town.

Order for new registration.

mayor and said board of six commissioners, and such other officers as are hereinafter provided for. That the present board of commissioners of said town of Beaufort shall order, thirty days before the election first held under this charter, an entire new registration of the qualified voters of said town.

QUALIFICATION OF VOTERS.

Qualifications for voters.

Sec. 6. That all persons entitled to vote for members of the General Assembly at the time of the election provided for in the preceding section and who shall have been residents of the town of Beaufort for ninety days next preceding the day of election, and shall be duly registered as herein provided for, shall be allowed to vote for the said commissioners and mayor, and no one except a qualified elector of the town shall be eligible to any office in the corporation, and the said commissioners shall be residents as herein prescribed for electors of the wards for which they are chosen.

Electors only eligible for office.

Residence of commissioners.

General laws applicable.

Sec. 7. That the provisions made or hereafter made by the General Assembly which may be in force at the time of any election in said town of Beaufort for testing the qualification and right of any person to vote shall apply as aforesaid to any election held under this charter, and the registrar and judges of election are hereby vested with full and ample power to pass upon and decide such qualifications.

Appointment of registrar and judges.

Sec. 8. That the board of commissioners shall at least thirty days before each election held under this charter, including one thousand nine hundred and thirteen, and every year thereafter, appoint a registrar and two judges of election (the said judges to be each of different political persuasion), one from each ward and all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the courthouse door and notice to be served on such appointees by the chief of police of said town and shall give ten days notice of the registration of voters for said election at the courthouse door and by publishing the same for one week in a newspaper published in said town of Beaufort, specifying the time, place, and name of registrar for said election.

Notice of appointments and for registration.

Registration books.

Sec. 9. That the registrar shall be furnished by said board of commissioners with the registration books and it shall be his duty, after being qualified, to perform the functions of his office fairly, impartially, and according to law; to revise the existing registration books of the said town in such manner that said books shall show an accurate list of electors previously registered in said town and still residing therein and entitled to vote, without requiring such electors to be registered anew; and such registrar shall also, between the hours of eight o'clock a. m. and five o'clock p. m., Sunday excepted, from and including the last Tuesday in March up to ten days previous to the election, keep open the books

Revision of books.

Registration of new voters.

for the registration of any electors residing in such town and entitled to registration, whose names do not appear on the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said town, keeping the names of the white voters separate from the names of the colored voters, and any person offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina two years, and in the town of Beaufort six months previous to the day of election, and that he is twenty-one years of age and that he is a qualified elector of said town, as defined in section six of this act. If any person willfully swear falsely in taking such oath, he shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars, or be imprisoned for ninety days in the county jail, or both, but the board of commissioners, upon fifteen days notice before the opening of the books, may order an entirely new registration of voters whenever they may deem it proper and necessary so to do.

Segregation of voters.
Registration oath.
False swearing misdemeanor.
Punishment.
New registration.

Sec. 9a. The registration books shall be closed ten days before the election, and after the same are closed no person shall be allowed to register except those coming of age after the books are closed and before or on election day, who are otherwise qualified electors of the town, and the books shall then be placed in the office of the town clerk and may be inspected by any person so desiring, and the clerk shall mark the day on which they are received by him, and they shall not be taken from his custody until the day of the election. Any registrar failing to deposit his registration book with the clerk at the time prescribed shall receive no compensation for making said registration and shall be guilty of a misdemeanor.

Close of registration.
Registration after closure.
Deposit of books.
Inspection of books.
Penalty for failure to deposit books.

Sec. 10. That after being duly sworn by the mayor, or a justice of the peace, to conduct the election fairly, impartially, and according to law, the registrar and judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose (having separate boxes for each ward, and separate box for mayor), administer oaths, decide all challenges, and on the day of election for municipal officers in like manner and during the same hours as elections for members of the General Assembly are conducted. They shall count the ballots and declare the result and shall receive such pay for their services as may be allowed by the board of commissioners of the said town.

Registrar and judges to be sworn.
Conduct of election.
Ballot boxes.
Count of vote and declaration of result.
Pay of officers.

Sec. 10a. That all elections hereunder shall be held at the town hall in said town, except in case of fire or other good cause, when the registrar and poll-holders may move to some other convenient place to be selected by them; that the votes and ballots shall be cast in separate boxes for each ward, respectively, and the said box shall be properly and legibly labeled.

Voting place.

Mayor to fill vacancies.

Votes not counted.

Ballots.

Sec. 11. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him, after being duly sworn, or if a vacancy should occur in said office for any reason, then the mayor shall appoint to fill the vacancy. The voter shall designate on his ballot the person for whom he votes for commissioner and mayor; otherwise his vote shall not be counted. The ballots shall all be on white paper and without device, and the commissioners for each ward shall be so designated and voted for on the same ballot by qualified voters in each respective ward only.

Count of votes.

Persons declared elected.

Officers-elect to be notified and qualify.

Additional voting places.

Sec. 12. That at the close of the election the votes shall be counted by the registrar and judges, and such persons as shall receive the largest number of votes for commissioners shall be declared elected for their respective wards, and the person who shall receive the largest number of votes for mayor shall be declared elected mayor of said town, and said commissioners and mayor shall be notified of their election by the said registrar and judges (and said commissioners and mayor shall each qualify by taking the proper oath within five days after the notification of their election). The board of commissioners may at any time provide for more than one voting place and may appoint such registrar and judges as may be proper, and in case more than one voting place is provided, the board may make such provisions as it may deem proper as to the residence of the registrar and judges and as to the number at each place.

Ballots to be preserved.

Poll and registration lists. Deposit.

Returns of elections.

Sec. 13. After the ballots shall have been counted, they shall be carefully preserved and the registrar and judges of election shall certify and subscribe the poll and registration list, which, together with ballots aforesaid, shall be returned to the town clerk, who shall keep them in the archives of the town, and two returns of the result of the election shall be made under the hands of the registrar and judges of election, setting forth, in writing and in words and figures, the number of votes which each candidate received, one of which returns shall be given to the mayor and the other filed in the archives of the town by the town clerk, who shall within two days thereafter publish the result of the election at the door of the town hall or courthouse.

Mayor to qualify.

Form of oath.

Sec. 14. The mayor, within five days after his election and before entering on the duties of his office, shall qualify before a justice of the peace or a notary public, and the said mayor shall subscribe the following oath: "I, ..., do solemnly swear or affirm that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the mayor of the town of Beaufort while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances, and regulations made for the govern-

ment of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Commissioners to qualify.

Sec. 15. That each commissioner, before entering upon the duties of his office, shall take before some justice of the peace, or notary public, an oath that he will truly and impartially perform the duties of commissioner for the town, according to the best of his skill, ability, and judgment.

Terms of office.

Sec. 16. That the mayor and commissioners shall hold their offices, respectively, until the next ensuing election and until their respective successors shall have qualified.

Forfeit for failure to hold election.

Sec. 17. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in default shall forfeit and pay to the benefit of the town the sum of one hundred dollars, to be divided one-half to such persons as shall sue to recover said penalty in behalf of said town and one-half to the said town.

Commissioners to fill vacancy in mayoralty.

Sec. 18. That if any person elected as mayor shall refuse to qualify, or there is a vacancy in the office after election and qualification, or if the mayor be unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term or during his disability, as the case may be, to act as mayor, and he shall be clothed and vested with all the authority and powers given under this charter to the regular mayor; and the board of commissioners shall also choose other commissioners to supply the place of such commissioner or commissioners as shall refuse to act, and fill all vacancies which may occur, but only such persons shall be so chosen as are heretofore declared to be eligible: *Provided*, in the event of the mayor's absence, or sickness, or inability to act, the board of commissioners may appoint one of their number *pro tempore* to exercise his duties.

Vacancies in board of commissioners.

Proviso: mayor pro tempore.

Forfeit for failure to qualify.

Sec. 19. That any person elected or chosen as commissioner, or any person elected as mayor, as herein provided, who shall refuse to be qualified and act as such, shall pay to the equal use of the town and of him who will sue therefor the sum of twenty-five dollars.

Mayor constituted special court. Jurisdiction and powers.

Sec. 20. That the mayor of the town of Beaufort is hereby constituted a special court, with all the jurisdiction and powers now and hereafter given to justices of the peace in criminal offenses occurring within the limits of said town, or upon property belonging to said town. He shall keep and preserve the peace and may, upon proper proceedings, cause to be arrested persons found in the town limits charged or convicted of crimes in other counties or States, and may appoint such persons to appear at the proper tribunal to answer for their offenses, or in proper cases may imprison them. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town, to enforce penalties by issuing executions upon any adjudged violations thereof, to exe-

Criminals from other jurisdictions.

Further jurisdiction.

cute the laws and rules made by the commissioners, and his indorsement of the names of witnesses upon a summons or a warrant shall be authority for the officer to execute the same, and he may issue process without complaint in sworn form, when he is satisfied that there has been a violation of the law.

Proceedings.

Sec. 21. That all proceedings in the mayor's court shall be the same as now are or hereafter shall be prescribed for courts of the justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of the county of Carteret; that whenever a defendant or a witness or other person shall be adjudged to be imprisoned by the said court for failure to pay fines and costs, it shall be competent for the said court to sentence such person or persons to imprisonment in the county jail, or the town calaboose, for a term not exceeding thirty days, and to adjudge also that such persons during the period of their confinement shall be worked on the public streets or on the public works of the said town of Beaufort.

Right of appeal.

Sentences.

Officers to whom precepts shall issue.

Sec. 22. That the mayor may issue his precepts, warrants, summons, and other process to the chief of police of the said town, and to all such other officers to whom the justices of the peace may issue his precepts; and the said mayor is further authorized hereby, in special cases in which he may deem it necessary, to deputize and authorize special officers to serve his precepts, warrants, and other process.

Special officers.

Minutes of precepts and proceedings.

Force and execution of judgments.

Sec. 23. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue, and validity of judgments rendered by a justice of the peace and as especially herein provided, and may be executed and enforced against the parties in Carteret County, and elsewhere, in the same manner and by the same means as if the same had been rendered by a justice of the peace or a court of competent jurisdiction for the county of Carteret.

Mayor's office.

Duties and salary.

Sec. 24. That the mayor shall have his office in the town hall of said town; he shall keep the seal of the corporation and perform such duties as from time to time shall be prescribed for him by the said board of commissioners, and he shall receive a salary to be fixed by the board of commissioners.

Mayor to preside at meetings and settle ties.

Sec. 25. The mayor shall preside at all meetings of the board of commissioners, except as otherwise herein provided, and when there is an equal division upon any question or any election of officers by the board, he shall determine the matter by his vote, and he shall not vote in any other case.

BOARD OF COMMISSIONERS.

Commissioners one body. Quorum.

Sec. 26. That the commissioners shall form one body, and a majority of them shall constitute a quorum and be competent to perform all the duties prescribed for the commissioners, unless

otherwise provided. Within five days after their election, they shall convene for the transaction of business and organization, and shall fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the board may be held on the call of the mayor or a majority of the board of commissioners, and all commissioners, when a meeting is called by the mayor, and those not joining in the call when made by a majority of the board shall be notified of the meeting at least one day before the same, but the board may at any regular meeting adjourn the meeting to any subsequent time, at which said time it may transact any business that could be transacted at a regular meeting.

To convene within five days.

Stated meetings.

Special meetings.

Adjourned meetings.

Sec. 27. That the said commissioners, when convened, shall have full power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town or general welfare of the same as are not inconsistent with this charter and with the Constitution or laws of the State; shall have power to make and provide ordinances to secure the order, health, quiet, and safety within the town limits and for one-half mile beyond; to take all necessary means to prevent and extinguish fires; to make regulations for the observance of the Sabbath, for the suppression and removal of nuisances, and shall regulate the building and building material to be used for the construction of buildings or structures within the town limits; and for the purpose of enforcing said ordinances they shall have full power to appoint such officers, either regular or special, as may be necessary to enforce the same.

General ordinances.

Health ordinances.

Fire ordinances.

Suppression of nuisances.

Building regulations.

Officers.

APPOINTIVE OFFICERS.

Sec. 28. That the said commissioners, at their first meeting after their election hereunder, or as soon thereafter as convenient, shall appoint a town clerk, a town attorney, a treasurer and a collector of taxes, and a chief of police (the collector of taxes and chief of police may be, in the discretion of said board, one and the same officer), who shall respectively hold their offices during the official term of the commissioners who appointed them, subject, however, to be removed at any time by the board of commissioners and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of the said officers shall be sworn to the faithful discharge of his duty, and all except the town attorney shall execute a bond payable to the said town of Beaufort in such sum as the commissioners shall determine, and the said officers shall receive such compensation as the board of commissioners may allow.

Officers to be elected by commissioners.

Terms of office.

Officers to be sworn and give bonds.

Sec. 29. That it shall be the duty of the town clerk to keep regular and fair minutes of the proceedings of the board and to preserve all books, papers, and articles committed to his care during his continuance in office and to deliver them to his successor, and

Duties of town clerk.

generally to perform such other duties as may be directed by the board of commissioners and by this charter; that the treasurer shall annually make out a fair transcript of the receipts and disbursements on account of the town for the general inspection of the citizens thereof and cause the same to be posted at the door of the town hall at the end of each fiscal year, or in lieu thereof may publish such statement in the newspaper if there be such published in the town of Beaufort, in said county, and for his failure to comply with the duties prescribed in this section he shall forfeit and pay equally for the use of the town and him who shall sue therefor one hundred dollars.

Treasurer to make annual statements.

Publication of statements.

Forfeit for failure.

Treasurer to collect and keep moneys.

Sec. 30. That it shall be the duty of the treasurer to call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, to surrender same to him, and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the commissioners whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities, and other property intrusted to him for safe keeping or otherwise, and during the continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

Payment on orders.

Accounts.

Settlement with successor.

Orders on treasurer.

Sec. 31. That all orders drawn on the treasurer shall be signed by the town clerk and countersigned by the mayor and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts and also the source from which are derived the moneys received by him. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax list as due for town taxes; he shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll taxes and taxes on personal property which the board of commissioners shall declare to be insolvent and uncollectible; he shall at no time retain in his hands over three hundred dollars for a longer time than five days, under a penalty of ten per cent per annum to be paid to the town upon all amounts so unlawfully retained. The board of commissioners at the meeting before the last regular meeting of each fiscal year shall appoint one or more persons, either from their own number or, as the board may desire, outside of said board, to be present and assist at the accounting and settlement between the tax collector and the town treasurer, and to audit and settle the accounts of the town clerk and treasurer and chief of police. The accounts

Powers of tax collector.

Charges and credits.

Penalty for retention of money.

Audit of final settlement.

Report and record of audit.

so audited shall be reported to the board of commissioners, and when approved by them shall be recorded in the minute-book of said board and shall be *prima facie* evidence of their correctness and impeachable only for fraud or error specified. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to reëlection to said office.

Removal for failure to settle.

Sec. 32. That the board of commissioners shall have power to appoint such police force as the good government of the town may require, who shall hold their office during such term as the board appointing them may prescribe in such appointment. The chief of police shall have supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of the fines and costs collected by him. It shall be the duty of the chief of police to attend the mayor's court at each session thereof and report any violations of law or ordinances of the town; to collect all fines and penalties imposed and pay the same to the town treasurer, and to execute orders, precepts, and judgments of said court; to see that the laws and ordinances of the town are enforced, and to do such other things as may be specially required of him by the board of commissioners. The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the town by suppressing disturbances and apprehending offenders; they shall execute all processes directed to them by the mayor or other duly constituted officers, and in the execution thereof shall have the same powers which sheriffs and constables have. The members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances of the said town. The said police shall have power to take bail for appearance of defendants or other persons charged with violation of town ordinances in the manner and to the same extent as such power is vested in sheriffs, and in case such person or persons shall not appear, the mayor may issue a *sci. fa.* and enter judgment final against the defaulting party and his sureties. That the chief of police shall have the power to rearrest upon the same warrant any defendant or party who has been convicted and turned loose on the statement that he will pay fine and costs, upon failure to pay the same, or in case of an escape.

Police force.

Chief of police.

Reports of failure in duty.

Monthly settlements.

Further enumeration of duties.

Powers and authority of police.

Execution of process.

Policemen to be sworn.

Policemen to take bail.

Power of rearrest.

Sec. 33. The policemen shall receive and turn over to the town clerk the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as that of sheriffs for like service. The board of commissioners shall pass ordinances for the government and direction of the police force and fix their compensation. In times of emergency the mayor may

Fees turned over to town clerk.

Ordinances for government and pay.

Additional policemen.

appoint temporarily additional policemen for such time as shall appear necessary, not to exceed one week, who shall take the same oath and be subject to the same control as regular policemen.

Suspension of policemen.

Sec. 34. The mayor may at any time, upon charges preferred, or upon finding said chief or any member of said police force guilty of misconduct, have power to suspend such member from service until the board of commissioners shall convene and take action in the matter (and to this end, the said mayor may call a special meeting on one day's notice of said board), and upon hearing the proofs in the case, the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violations of the regulations or orders of any superior officer shall be good cause for dismissal, and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

Action by commissioners.

Causes for dismissal or suspension.

Badges and uniforms.

Sec. 35. The board of commissioners may require the entire police force to wear badges and to be so armed and uniformed as to be readily recognized by the public as peace officers, and the police shall have general power to do whatever may be necessary to preserve the good order and peace of the town, and to secure the inhabitants from personal violence and their property from loss or injury.

General powers.

Suits on bonds.

Sec. 36. That for any breach of his bond by the town clerk, chief of police, or any other officer who may be required to give a bond, such officer shall be liable in an action on the same in the name of the town at the suit of the town or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Jailer to receive and keep prisoners.

Sec. 37. That the sheriff or jailer of the county of Carteret is is hereby required on a mittimus to receive into the jail of the county as his prisoner any person taken up in the night by the police force, and to keep said person safely until the morning, when the offender shall be brought before the mayor or some magistrate resident in the town and be lawfully dealt with, and for such services the jailer shall be entitled to such fees as he is in other cases: *Provided, however*, that the town may provide and use a prison or a calaboose of its own.

Fees of jailer.

Proviso: town prison.

Weighers, inspectors, and auctioneers.

Sec. 38. That the board of commissioners shall have power to appoint weighers and inspectors of provisions and other products, auctioneers and such other officers as they may deem proper for the good government and welfare of the town, to make all rules and regulations governing said officers, to prescribe their fees or remuneration, and may require any of them to give bond as provided herein for other officers.

Detectives and rewards.

Sec. 39. That the board of commissioners may employ detectives and offer proper rewards for the capture and conviction of criminals in order to bring to justice the offenders against the said

ordinances, and also offenders against the laws of the State when the offense is committed in the city limits.

TAXES.

Taxing power.

Sec. 40. That in order to raise a fund for the expenses incident to the proper government of the town, the board of commissioners may annually levy and collect the following taxes, namely: (1) On all real and personal property within the corporate limits and on all personal property owned by residents of said town, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding seventy-five cents on every one hundred dollars value. (2) A poll tax not exceeding two dollars and twenty-five cents a poll on the taxable polls of all persons who may be residents in the town on the first day of May of each year. (3) Upon all dogs kept in the town and which may be so kept on the first day of May, a tax not exceeding five dollars, and all dogs so taxed shall be subjects of larceny: *Provided*, that a discrimination within this limit may be made on the different species of dogs.

Property tax.

Poll tax.

Dog tax.

Advertisement for listing taxes.

Sec. 41. That the town clerk, on the third Monday in April of each and every year, shall make advertisement in some newspaper or at the door of the town hall, notifying all persons who own or have control of property liable to taxation by the town on the first of May, to enter to him on or before the last day of May a list of their said taxable property. Said list shall state the number of lots or parts of lots and all other property now taxable or that may hereafter be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the clerk shall be sworn to before him in every case, and he is hereby authorized to administer the following oath: "I, ..., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said town, a full and accurate list of all personal property, of Carteret County lands, and a full and accurate list of all stocks, bonds, solvent credits, and other property subject to taxation by the laws of the State and ordinances of the said town of Beaufort, according to my best knowledge, information, and belief: so help me, God."

Property to be listed.

Form of oath.

Tax books.

Sec. 42. From the return so made, the town clerk shall without fail, before the first day of July next ensuing, make out and complete his tax books, which shall contain an alphabetical list of all persons liable for taxation by the town, with the age and color, and with the assessed value of all real estate and the listed value of all personal property. The clerk shall follow the assessment on file in the register of deeds' office, but in case any property has not been assessed by the county assessor, then the clerk shall assess the property at its true value: *Provided*, that all assessments and all lists of personal property may be revised,

Assessments.

Proviso: revision of assessments.

corrected, or amended by the board of commissioners, and the valuation of any property may be raised after giving ten days notice to the person liable for taxation or his agent to show cause why such change should not be made.

Notice of raise of valuation.

Delinquent lists.

Sec. 43. That the clerk shall, after diligent inquiry and by comparing his book with the county tax books, make out a list of all persons liable for poll tax or for taxes on property who have failed to return the list in the manner and in the time prescribed, together with the estimated value of all the property not listed, and shall enter such persons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double tax except on application to the board of commissioners and for good cause shown.

Double taxes.

Excuse from double tax.

Failure to list misdemeanor.

Sec. 44. That all persons who are liable for a poll tax to the said town and who shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it within the time allowed by law as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof before the mayor of said town or any justice of the peace shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of said town to prosecute offenders against this section.

Punishment.

Tax collector to prosecute.

Levy of taxes.

Sec. 45. That as soon as the clerk shall have furnished the assessment roll as herein provided and the same shall have been revised by the board, the board of commissioners shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the said tax collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer, and the collector for his compensation shall receive not exceeding two per cent on the amount collected.

Collection and settlement.

Commission of collector.

Collection by distress and sale.

Sec. 46. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the tax collector shall proceed forthwith to collect the same by distress and sale, together with costs of sale, after public advertisement for the space of ten days in some newspaper published in the town, if the property to be sold be personalty, and of thirty days if the property be realty, and the said collector shall make settlement in full with the town treasurer on or before the first day of January of each year for the taxes as shown by the town list, except such as may be allowed him by the board as insolvents.

Final settlement.

Penalty for nonpayment.

Sec. 47. That if any persons liable for taxes on subjects directed to be listed shall fail to pay them to the tax collector on or before the first day of February next ensuing, then the tax collector shall add to such tax amount a penalty for nonpayment of five per cent of such amount of tax, which shall be collected, together with said

tax amount, by the tax collector as is herein provided for the collection of said taxes by distress.

Sec. 48. That when the taxes due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of February, and there is no other visible estate except such lot of land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the board of commissioners, and thereupon he shall sell the same at the courthouse door or at the door of the town hall, after advertising the same for thirty days in some newspaper published in said town, and if there be no such newspaper in said town, then by posting a notice at some conspicuous place at the town hall or courthouse door and three other public places in said county, and the collector may divide the said land into as many parts as may be convenient or expedient, and for such purpose he is authorized to employ a surveyor and shall sell as many parts thereof as may be required to pay said taxes and all expenses and costs attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole, and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and, if not redeemed as hereinafter provided, shall belong to said town in fee.

Sale of land for taxes.

Advertisement.

Division of land.

Land struck off to town.

Sec. 49. If upon a sale of the land there shall be a surplus, after paying said taxes and costs and expenses for advertising and selling same, it shall be paid into the town treasury, subject to the demand of the owner, without interest.

Surplus subject to demand of owner.

Sec. 50. The owner of any land sold under the provisions of this charter, or any person acting for such owner, may redeem the same within one year after the sale, by paying to the purchaser the sum paid by him for the land and twenty-five per cent on the amount of the taxes, costs, and expenses; and the treasurer shall refund to the owner, without interest, proceeds of the sale, less double the amount of taxes.

Time for redemption of land.

Sec. 51. That if the real estate sold, as aforesaid, shall not be redeemed within the time specified, the town shall convey the same in fee to the purchaser or his assigns by a deed signed by the tax collector, attested by the town clerk and with the corporate seal attached, and the recitals in such conveyance shall be conclusive evidence that the tax collector has complied with all the requirements of the law and this charter necessary to make the same valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

Conveyance of land not redeemed.

Sec. 52. That the real estate of infants or persons *non compos mentis* shall not be sold for the taxes, and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made as is provided by the Revisal for the sale of such lands.

Lands of persons under disability not to be sold.

License taxes.

Sec. 53. That in addition to the subjects listed for taxation, the commissioners may levy an annual license or privilege tax on the following subjects, the amount of which tax, when fixed, shall be collected by the collector of taxes, and if it be not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed or any other property of the owner or party may be forthwith distrained or sold to satisfy the same, viz.:

Peddlers.

(1) On itinerant merchants, peddlers, or auctioneers, who shall sell or offer to sell privately or at public outcry within the town limits, whether by ascending or descending bids, a tax not exceeding fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured, and not more than one person shall peddle under a single license.

Tables for games.

(2) Upon every billiard table, bowling alley, or alley of like kind, bagatelle table, pool table, or stand, or place for any other game or play with or without a name, kept for hire, or kept in a house used or connected with a hotel or restaurant (unless such alley, stand, place, game, or table is kept for private amusement or exercise alone and be not prohibited by law), a license tax not to exceed seventy-five dollars a year.

Hotels and boarding-houses.

(3) Upon every hotel, a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant and eating-house, a license tax not exceeding fifty dollars; and the board of commissioners may levy the license tax provided for in this subsection according to its size, patronage, or income of the hotel, boarding-house, or houses, restaurants, and eating-houses.

Circus.

(4) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the town or in one-half mile thereof, a license tax not exceeding seventy-five

Side-shows.

dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not so paid, to be doubled.

Stage plays and other shows.

(5) Upon every company or person or persons exhibiting in the town or within one-half mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dances, tumbling, wire dancing, or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting, the tax to be paid before

Proviso: shows in licensed halls.

exhibiting, or the same shall be doubled: *Provided*, the said board of commissioners shall have full power and authority to exempt from any tax whatsoever any such concerts or performances herein that may be given for religious or beneficial purposes.

Artificial curiosities.

(6) Upon every exhibition for reward of artificial curiosities, models of useful inventions excepted, within the town or within one-half mile thereof, a tax not to exceed twenty-five dollars, to be paid before exhibition, or the same shall be doubled.

(7) Upon each show or exhibition of any other kind, and on each concert for reward, unless for religious or beneficial purposes, in the town or within one-half mile thereof, and on every strolling amusement, a tax not exceeding fifteen dollars, to be paid before exhibition, or the same shall be doubled: *Provided*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed. Other shows and concerts.

(8) Upon every dog which may be brought into the town after the first of May to be kept therein, a tax not exceeding five dollars for the permission to keep said dog in the town, which permission shall not extend further than the last day of April next ensuing. Dogs.

(9) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding twenty-five dollars a year: *Provided*, this section shall not conflict with the provision of the Revisal with regard to auctioneers. Auctioneers. Proviso: revisal to govern.

(10) Upon every stock and bond broker, sewing-machine company or agent for such company, dealer in or manufacturers' agent of musical instruments, keeper of sales stables, livery stables, or stock-yards doing business in the town, a tax not exceeding twenty-five dollars a year. Brokers, agents, stables, and stock-yards.

(11) Upon every person engaged in the business of posting, distributing, or tacking up bills, posts, signs, or advertisements of any kind, a license tax not exceeding twenty dollars. Bill-posters.

(12) Upon every building and loan association, oil agency, or shooting gallery, a license tax not exceeding twenty-five dollars. Building and loan associations, oil agents, and shooting galleries.

(13) Upon every street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance agent or agency, and every skating rink, a license tax not exceeding fifteen dollars a year. Street hucksters and other occupations.

(14) That every telegraph, telephone, or electric light company, fire company, street railway company, waterworks company furnishing water to the town or citizens, every railroad company having a depot or office in the town, shall pay a license tax not exceeding fifty dollars per annum. Public-service companies.

(15) That each undertaker, plumber, or person putting gas, electric or water fixtures in houses or yards, shall pay a license tax not exceeding ten dollars. Undertakers, plumbers, and pipe fitters.

(16) Each barber shop, rope walker, itinerant dealer in lightning rods, stoves, every dealer in fertilizer, practicing physician, dentist, or surgeon, optician, oculist, optometrist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, carriage, buggy, or wagon agent, or any person offering vehicles for sale as a business, each architect, contractor, or builder, cigar manufactory, tobacco warehouses, each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every lecturer for a reward, except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, persons selling jewelry, Miscellaneous occupations.

each printing office, every lawyer, shall pay a license tax of ten dollars per year.

Banks, junk shops, and other occupations.

(17) Upon every bank or banker, each junk shop, dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, or factory, a license tax not exceeding twenty-five dollars a year.

Commission merchants and brokers.

(18) Upon all commission merchants and commercial brokers, a tax not exceeding twenty-five dollars a year.

Transfer lines.

(19) Upon every omnibus, hack, cab, carriage, dray, baggage wagon used to transport persons, baggage, freight, or other articles for hire, a license tax not exceeding fifteen dollars; on every huckster, trader, merchant or his agent, who buys produce for sale in other markets, and every fish and oyster dealer who buys fish or oysters to be sold in other markets, a license tax not to exceed twenty-five dollars per year.

Dealers in produce, fish, and oysters.

Other business, trades, and professions.

(20) The board of commissioners shall have power to levy an annual license or privilege tax on any business, profession, trade, or avocation of any kind carried on in the town of Beaufort not before enumerated herein and on all other subjects taxed by the State, not to exceed fifty dollars.

Fiscal year.

(21) That the fiscal year shall begin on the first day of June of each and every year, and when a license is taken out after the first day of June, the tax shall be proportioned according to the unexpired term of the year.

Graduation of tax.

(22) That the board of commissioners shall have the power to graduate any of the license or privilege taxes permitted in this charter by dividing the business into classes according to size, patronage, or income: *Provided*, the said tax must be uniform for all in a class.

Proviso: uniformity as to class.

Doing business without license misdemeanor.

(23) Any person carrying on or practicing any business, profession, trade, or avocation of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned for not more than thirty days.

STREETS, SQUARES, AND PARKS.

Powers as to streets and sidewalks.

Sec. 54. That the board of commissioners shall have the power to grade, macadamize, and pave the streets and sidewalks, and lay out, change, and open new streets and widen or change those already open and make such improvements thereon as they may deem best for the public good. Also to lay out and establish parks and squares within or without the town limits and for the use of the town; to regulate and protect public grounds and to protect the shade trees of the town; and they may adopt such ordinances for the regulation and use of the streets, squares, and parks and other public property belonging to the town as they may deem best for the public welfare; that the board of commissioners may appoint a superintendent of streets to have charge of the streets of

Parks and squares.

Public grounds and shade trees.

Traffic regulations.

Superintendent of streets.

the town of Beaufort, under the supervision of the board of commissioners or a street committee, as it may deem best, and may appoint such other officers to care for and improve the streets, squares, and parks as it may think proper.

Lot owners to improve sidewalks.

Sec. 55. That every owner of a lot on a street, if so ordered by the board of commissioners, shall improve, pave, or repair in such manner as the board of commissioners may direct, as hereinafter provided, such sidewalks as far as it may extend along such lot; shall also contribute to the paving, macadamizing, or improving of the street abutting such property as directed by the board of commissioners, as herein provided: *Provided*, said board may prescribe special regulations for property abutting two streets: *Provided*, that no owner of any lot abutting on said street shall be required to pay more than one-half of the costs of improving such sidewalk and more than one-fourth of the costs of improving such street on which such property may abut: *Provided further*, that no assessment or other order of the board, as herein provided, shall be effective or enforcible until said board of commissioners shall have first provided for the improvement of said sidewalk and curbing thereof, if same be necessary, and the improvement of such said street, saving and excepting such portion thereof of said street and sidewalk as is herein provided, may be assessed against the respective abutting property holders on said street, and all work done under this section shall be under the supervision of the superintendent of streets, or of the street committee, or officers appointed by it; and on the failure to do as directed within twenty days by the superintendent of streets or the chief of police to the said owner, or, if he be a nonresident of the county, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice cannot be served upon the agent or owner, then, after the publication of the notice by the superintendent of streets or chief of police for four weeks in some newspaper published in Beaufort, calling on the owner to make such repairs or improvements, the board of commissioners, or the superintendent of streets may cause the same to be repaired or improved as directed by the board, and the expenses shall be paid by the person in default. Said expenses shall be a lien upon said lot or lots, and if not paid within two months after completion of the work, such lot may be sold or enough of the same to pay such expenses and costs, under the same rules, regulations, and restrictions, rights of redemptions and savings as are prescribed in said charter for the sale of land for unpaid taxes: *Provided*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed to the owner, have all the work provided for herein done by the town force, or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be a lien, as herein provided, and collectible as provided above:

Contributions to paving.

Proviso: lots on two streets.

Proviso: limit of proportion.

Proviso: work done by town.

Supervision of work.

Expense a lien on lot.

Enforcement of collection.

Proviso: option of town in doing work.

Proviso: payment by installments.

Provided further, that if the property-owner shall so elect and give notice of that fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege or option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which said work is done up to the time when the same shall be due and collectible, which said date shall be the date on which taxes are due and collectible, and in case of the failure or neglect of any property-owner to pay said installments when the same shall be due and collectible, then and in that event the said amount of said installments shall be a lien upon said property, as hereinbefore provided, and collectible as provided above: *Provided further*, that whenever the town has had any of said work done it shall give the owner of the said abutting property ten days notice of the amount charged against the said property, and if the said owner is dissatisfied with the amount of the said charge, he may give notice to the board of commissioners within the ten days aforesaid that he takes an appeal to the next term of the Superior Court of Carteret County, and shall within five days thereafter serve a statement of facts upon which he bases his appeal upon said board. The said appeal shall at the said term of court be tried as other actions at law, and the said owner may in like time and manner appeal from any order or act of the board of commissioners made or done under this section. Said appeal shall not delay or stop said improvements.

Collection of installments.

Proviso: notice to landowner.

Appeal.

Trial on appeal.

Appeal not to delay work.

Penalties for failure to make improvements.

Sec. 56. In addition to the above provisions, the board of commissioners may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding paragraph, after being directed so to do by the board of commissioners.

Power to condemn land.

Sec. 57. That when any land or right of way shall be required for the purpose of opening new streets or widening or changing those already open, or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, and the same cannot be purchased from the owner or owners at what the board considers a reasonable price, the same may be condemned and taken by the board of commissioners at a valuation to be made by three disinterested freeholders of the town, one of whom shall be chosen by the board of commissioners and one by the owner or owners, and, in case these two do not agree, then the two thus chosen shall select a third; and in making said valuation, said freeholders, after giving the owner or owners or their agent notice, or after giving ten days notice by posting notices thereof in four public places in said town, in case such owner or his agent cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also such benefit or advantage

Arbitration for assessment of damages.

Procedure for assessment.

such owner or owners may receive from the opening, widening, or changing such streets or other improvements, and ascertaining the same, if any, which shall be paid to the owner of said property, and report the same to the board of commissioners under their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against the town of Beaufort and shall pass the title to the town of Beaufort of the land so taken, and the land may at once be taken and used by the town for the purpose intended: *Provided*, that if any person whose land is taken under this section or if the board of commissioners be dissatisfied with the valuation thus made, then in that case either party may appeal to the next term of the Superior Court of Carteret County: *Provided, however*, that such appeal shall not hinder or delay the board of commissioners in opening, widening, or changing such street or making such improvement.

Report.

Proviso: right of appeal.

Proviso: appeal not to delay work.

Sec. 58. The board of commissioners may grant franchises to street railway companies, electric companies, telephone companies, or companies of other kinds, to use the streets of the town to lay pipes, tracks, wires, and to set poles and to run cars and for other purposes, and may charge for such franchises and privileges, in addition to the annual license taxes, such amount as it may think just, to be turned over to the general fund of the town.

Grant of franchises.

Charges for franchises.

HEALTH, SANITATION, AND SEWERAGE.

Sec. 59. That the said board of commissioners shall have power to construct a system of sewerage for the town and protect and regulate the same by adequate ordinances, and if it shall be necessary in obtaining a proper outlet to the said system to extend same beyond the corporate limits, to condemn a right of way to and for such outlet, and the proceedings for the condemnation shall be as provided herein for opening new streets and other purposes, and said commissioners shall have full power and authority to control the territory within one-half mile round about said town as incorporated, for the purpose of protecting said town as in this section provided as well as against nuisances and other objectionable matter which may affect said town.

Construction and regulation of sewer system.

Extension of system.

Power to condemn land and control territory.

Sec. 60. That the board of commissioners may require all persons on a line of sewer to connect their premises with the said sewer with proper fittings and plumbings.

Requirement of connection.

Sec. 61. That the board of commissioners may charge and collect a sewer rental in such a reasonable amount and collect at such periods as it may prescribe for the use of said sewer, said rental to be based on the number of sinks, etc., connecting with the sewer, and in case the rental is not paid when due, it shall become a lien on the property with which connections are made, and may be collected in the same way as unpaid taxes and with the same costs and penalties.

Sewer rentals.

Rentals a lien on property. Collection.

Scavenger work.

Sec. 62. That the board of commissioners may provide carts or other vehicles to remove night-soil from the town, and cause said carts or other vehicles to visit all houses or premises not connected with the sewer at such periods as it may prescribe, and it may collect from the owner or lessee of every house in the town used as a residence and every factory or other place not connected with the sewer system a sum not exceeding three dollars per annum, which said charge may be made due and collectible at such time as the board may prescribe, and shall be a lien on the property where said house, factory, or plant is situated, and if not paid when due shall be collected as provided for the collection of unpaid taxes, with the same costs and penalties.

Tax for seavenger work.

Tax a lien on property. Collection.

Garbage wagons.

Sec. 63. That the board of commissioners may also provide wagons or other vehicles for the removal of garbage, slops, and trash from the town, and may require said wagons or vehicles to visit every house in the town used as a residence and every factory or plant and every store at stated intervals, and may require the owner or occupants of such premises to have the garbage, slops, and trash ready in a convenient designated place in some receptacle, so it may be easily removed, and may charge therefor an amount not exceeding ten dollars per annum on each such house, factory, plant, or other premises, said fee to be a lien on the property and to be collected as provided for the collection of unpaid taxes, with the same costs and penalties.

Removal of garbage.

Charges.

Charges a lien on property. Collection.

Adjustment of charges.

Sec. 64. That the charges permitted in the two preceding sections may be credited by the board of commissioners according to the size or use of the houses, plants, factories, or other premises.

Health ordinances.

Sec. 65. That the board of commissioners shall have power to pass ordinances for the prevention or restriction of unwholesome or dangerous occupations or manufactories, for the removal or abatement of all nuisances, and for the promotion of the public health.

Abatement of nuisances.

Sec. 66. That the board of commissioners, or the chief of police, the town superintendent of health, or other officer or officers who may be designated for this purpose by the board shall have power summarily to remove, abate, or remedy or cause to be removed, abated, or remedied any and everything in the town limits or within one mile of the said limits which is dangerous or prejudicial to the public health, and the expense of such action shall be paid by the person or persons in default, and if not paid, shall be a lien upon the land or premises where such trouble arises and shall be collected as is provided for the collection of unpaid taxes.

Board of health.

Hospitals or pesthouses.

Detention of infected persons.

Sec. 67. That the board of commissioners may elect a board of health for such terms of office and with such offices, powers, duties, and remuneration as it may prescribe; may establish and maintain a hospital or hospitals or a pesthouse in the town or within three miles thereof; may stop, detain, examine, or keep in a pesthouse or house of detention persons having or suspected of having any

infectious or contagious disease; may quarantine the town or any part thereof; may cause all persons in the town limits to be vaccinated; may, without incurring liability to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other property which may be suspected, upon professional and judicial opinion, of being tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or eradicate any contagious or infectious disease; and all expenses incurred by the town in disinfecting or caring for any persons by authority of this section may be recovered by it from the person cared for (except in such cases wherein the board, upon due investigation and proof, shall be satisfied that such person has no effects from which such amount of expense could be defrayed; then in such case the expense shall be borne by the town, and the amount so paid from the general funds in the treasury).

Quarantine. Vaccination. Destruction of infected property. Recovery of expense.

Sec. 68. That any person who shall attempt by force or by threat of violence to prevent his removal or that of any other person to the pesthouse, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties of this chapter allowed and imposed by the board, shall be guilty of a misdemeanor.

Resistance to removal or interference with officer misdemeanor.

FIRE AND FIRE DEPARTMENT.

Sec. 69. That the board of commissioners shall have power to provide for the organization, equipment, maintenance, and government of fire companies and fire departments.

Fire companies and fire department.

Sec. 70. That the board may establish and maintain fire limits in the town, in which it shall be unlawful to erect wooden buildings or additions thereto, or otherwise change in any respect; it may also prohibit the removal of wooden buildings of any kind into said limits, or from one place to another within such limits. It may also prohibit or restrict the explosion of fireworks, dynamite, or explosives of any kind, and govern the sale thereof in the town and make such other regulations as may be deemed best for the prevention or extinguishment of fires and the protection of its citizens.

Fire limits. Fireworks and explosives.

Sec. 71. That the board may make rules and regulations governing the erection and construction of buildings in the town so as to make them as safe as possible from fire, and in case of fire, the mayor, or in his absence the mayor *pro tem.* duly appointed, or in his absence a majority of the commissioners, may order the blowing up, tearing down, or the destruction in any way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, either civilly or criminally, for acting in obedience to the orders thus given.

Building regulations. Destruction of property in arresting fires.

Sec. 72. That full power and authority is hereby given to the town of Beaufort to cause all buildings or portions of buildings which are unsafe and dangerous to life and property to be torn down and removed, and to that end and purpose the board of com-

Removal of unsafe buildings.

missioners of the town of Beaufort is hereby authorized and empowered to tear down and remove all buildings or portions of buildings determined by the board to be unsafe and dangerous to life and property: *Provided*, that the owner of the property on which said building or portion of building is located shall be given ten days notice in writing by the town clerk and chief of police of the town of Beaufort of the intention of the board of commissioners to so act, and shall be required to tear down the same. In the event of failure of such notices to the owner to take such action as is required in regard to such buildings, the board of commissioners may tear down and remove such buildings or portions of buildings so determined to be unsafe and dangerous to life and property, and the cost of tearing down and removing the same shall be a lien, and is hereby declared to be such, against the real estate on which said building was located, and same shall be collected in the same manner and by the same procedure as provided for the collection of liens for street improvements herein; and it is hereby expressly made the duty of the chief of police of the town of Beaufort to report to the board of commissioners any and all buildings the condition of which is unsafe and dangerous to life and property, or any buildings which are in bad condition of repair, not occupied and not under control of the owner and subject to public entrance, and thereby a source of danger from possible fire; and the said commissioners, upon such report, shall take such action as is herein authorized as the premises may require.

Proviso: notice to owner.

Cost of removal a lien on property.

Collection.

Chief of police to report on buildings.

WATER AND LIGHTS.

Lights and waterworks.

Sec. 73. That the town may own and maintain its own light and waterworks systems, to furnish water for fire and other purposes and lights to the town and its citizens.

Rights of way, water rights, and other property.

Sec. 74. That the board of commissioners shall have power to acquire and hold rights of way, water rights, and other property within and without the town limits, and shall have power to condemn and take rights of way, easements, water rights, and other property for the purpose of getting a pure and adequate water supply, and of furnishing water for the town and its citizens; that the proceedings in such condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Proceedings for condemnation.

Water and light commission.

Sec. 75. That for the proper management of said system, a commission to be known as the Water and Light Commission, is hereby authorized to be established, which said commission shall consist of three members, to be elected by the board of commissioners for terms of two years each, except that at the first election under this section the term shall be for one and two years, and in case of any vacancy otherwise than by expiration of the term, the board shall elect some person to fill out the unexpired term; and the said commission shall organize by electing one of

Election and term of office.

Vacancies.

Organization.

its members chairman, and the term of said chairman shall be for one year.

Supervision and control of systems.

Sec. 76. That the said commission shall have entire supervision and control of the maintenance, improvement, and management of the said systems, and shall fix such uniform rates for water and lights as conditions shall determine: *Provided*, that any person may appeal from this decision as to the rates to the board of commissioners, and the decision of the board shall be final: *Provided, however*, that nothing in this section shall be construed as making it mandatory upon said board to appoint such commission. This section is intended solely to authorize and empower such board in a proper premises to exercise the privilege herein granted.

Rates.

Proviso: appeal as to rates.

Proviso: appointment of commission optional.

Funds kept separate.

Sec. 77. That the said commission shall keep its funds in the hands of the town treasurer, in an account separate from the other town funds; that the said funds shall be paid out only on the order of the said commission, and at the end of each quarter the said commission shall report to the board of commissioners its receipts and an itemized schedule of its disbursements, and the net gain for that period, and shall recommend to the board such an amount as may be turned over safely to the general funds of the town. After hearing such report and recommendation, the board shall decide what sum shall be turned over to the general fund.

Payments on order of commission.

Reports and recommendations.

Amount to general fund.

Election and bonds of officers.

Sec. 78. The said commission shall elect all officers, agents, and employees necessary to the conduct of said system, and fixing their remuneration, but the board of commissioners shall decide which of said officers, agents, and employees shall give bond, and the amount thereof.

Pay of commission.

Sec. 79. The board of commissioners may, if it sees fit, allow a remuneration to the members of the commission, but such remuneration shall last only until a new board is elected and qualified, and said board shall at all times have full control and regulation of said commission, if same shall be established as is herein permitted, and may for proper causes fully determine such commission or remove therefrom any member or members, either for misconduct or other cause, which the board may deem advisable.

Control and regulation of commission.

TOWN HALL, MARKET, AND OPERA HOUSE.

Control and supervision of town buildings.

Sec. 80. The board of commissioners shall have entire supervision and control of the town buildings.

Opera house.

Sec. 81. The board of commissioners may conduct an opera house, or may lease the same upon such terms as it may deem best, or let such building for such periods as it may think proper, and may exempt from town license taxes theaters and other shows using the said opera house and paying rent therefor, or showing under the auspices of any benevolent or religious association.

Markets and market regulations.

Sec. 82. The board of commissioners shall have power to establish, maintain, and regulate a market or markets; may prescribe the time, manner, and place of sale of fresh meats, fish, and other marketable products, may rent stalls in such manner and at such prices as it may deem best; may appoint a keeper, inspector, or other officers of the market; may designate an officer to inspect fish, meats, and other products; and said officer shall have power and it shall be his duty to summarily condemn all unsound products offered for sale in the town for food and cause same to be removed at the expense of the person offering for sale; and it is hereby declared a misdemeanor for any person to knowingly offer for sale in the town any unsound articles for food.

Inspectors.

Condemnation of unsound food.

Offering unsound food for sale misdemeanor.

CEMETERIES.

Cemeteries.

Sec. 83. The board of commissioners may establish, maintain, and regulate one or more cemeteries within or without the town limits; may appoint a keeper and such other officers and employees as may be needed, and may prohibit the interment of dead bodies within the town limits.

Sale of cemetery lots.

Sec. 84. That the board of commissioners may sell plats in the said cemetery upon such terms as it may deem best, and no purchaser of a plat shall sell or transfer his plat to another person without the consent of the board.

Use of proceeds.

Sec. 85. The proceeds from the sale of lots and other income from the cemetery or cemeteries shall be paid over to the town treasurer and shall be used for the beautifying and improving of the cemetery or cemeteries, and for no other purpose. The board of commissioners may appoint a commission of three members to be known as the cemetery trustees, to have entire charge of the cemetery or cemeteries, with full power to employ a keeper and other persons to care for and improve the said cemetery. The term of office of said trustees shall be two years, except at the first election one shall be elected for one year and two for two years. The board of commissioners shall, if it decides to elect said commission, make an annual appropriation for the support of said cemetery or cemeteries, which appropriation shall be at the disposal of the said trustees. The said trustees shall serve without remuneration.

Cemetery trustees.

Keeper and other employees.

Term of trustees.

Appropriation for support of cemetery.

MISCELLANEOUS.

Interest of officers in contracts misdemeanor.

Sec. 86. That no mayor, commissioner, or any other officer of the town shall directly or indirectly become a contractor for work to be done for the town, and any person herein offending shall be guilty of a misdemeanor.

Animals running at large.

Sec. 87. That the board of commissioners may prohibit the running at large in the town of dogs, horses, cattle, and other brutes; may regulate the speed at which horses or other animals may be ridden or driven through the streets, and the speed at which

Speed regulations.

engines, cars, and trains shall run within the town limits, may prohibit railroads from stopping their engines or cars on the streets of the town, and may require said railroads to keep the street crossings in good repair, under the supervision of the superintendent of streets or street committee. Use of streets by railroads.

Sec. 88. That it shall be lawful for the town of Beaufort, through its commissioners, to pass ordinances preventing the running at large of stock, cattle, hogs, sheep, goats, horses, mules, donkeys, and geese; to pass all reasonable rules and regulations for the enforcement of said ordinances, for the impounding of said stock, cattle, hogs, sheep, goats, horses, mules, donkeys, and geese, and to make reasonable charges for the impounding of the same: *Provided, however*, that in the taking up and impounding of said stock, cattle, hogs, sheep, goats, horses, mules, donkeys, and geese belonging to nonresidents of the town, there shall be no charge except for the actual expense of feeding the same, unless the said board of commissioners shall maintain around said town a fence with suitable gates and shall keep the said fence in repair and to provide for keeping the said gates closed. Ordinances prohibiting running at large of and for impounding animals. Proviso: pound charges.

Sec. 89. That the board of commissioners shall have power to pass plenary ordinances for the due observation of Sunday. Observance of Sunday.

Sec. 90. That the said town of Beaufort shall have power and authority to build, construct, own, and maintain public docks and piers as may be declared necessary by the commissioners of said town, and shall have power and authority to pass all reasonable rules and regulations concerning the same, and shall have power to purchase or condemn property for the same, the condemnation proceedings to be conducted under such reasonable rules and regulations as the said commissioners may prescribe. Docks and piers. Purchase or condemnation of property.

Sec. 91. The board of commissioners may maintain a public library. Public library.

Sec. 92. That among the powers hereby conferred on the board of commissioners, they may issue bonds after they have passed an ordinance by a three-fifths vote of the entire board at two separate regular meetings, submitting the question of issuing the bonds to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Thirty days notice, or four weeks, shall be given of such election in some newspaper published in Beaufort, at which election those in favor of creating the debt shall vote "Bond Issue Approved," and those who oppose it shall vote "Bond Issue Not Approved." The board may order a new registration of voters at any and all such elections, if they deem it proper to do so; and in the event such new registration at any such election shall be ordered, then only those who shall register for such election shall be qualified voters in such said election: *Provided*, that upon a petition signed by at least one-fourth of the qualified voters within said town, asking that an election be called for the purpose of voting upon the issuance of Issue of bonds. Notice of election on bond issue. Votes. New registration. Proviso: petition for election.

bonds, that the said board shall proceed to call such election, the same to be held as is provided for the holding of the election for municipal officers herein; and said board may order a new registration, if it so desire; and in case of such petition being so presented, the restrictions in this paragraph set out in the first portion thereof shall not apply: *Provided*, that nothing herein shall restrict or limit the right to issue bonds for the necessary expenses of said town, nor shall this section be so construed as to deprive said town of Beaufort of, or restrict the officers thereof in the exercise of, any rights or powers conferred upon it by section two thousand nine hundred and seventy-four of the Revisal of one thousand nine hundred and five of North Carolina; but said provision shall have application in cases of debt or tax contracted or levied by said town, except for necessary expenses thereof only.

Proviso: bonds for necessary expenses.

Construction of section.

Recovery of penalties.

Sec. 93. That all penalties imposed by law relating to the town, or by this act, or by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Beaufort before the mayor, justice of the peace in said county of Carteret, or any tribunal having jurisdiction thereof.

Limit of penalties.

Sec. 94. That the commissioners shall not have power to impose for any offense a larger penalty than one hundred dollars, unless the same be expressly authorized, and from any judgment of the mayor for any penalty which is imposed or for other cause of action herein allowed the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Appeals from mayor.

Fees of mayor.

Sec. 95. That the mayor shall receive and turn over to the town treasurer the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: For every warrant issued by him for the recovery of any penalty or for other cause of action, thirty cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him to apprehend an offender against criminal laws of the State under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed among the costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of such offender by such as may convey him away; for the use of the town seal for other than town purposes, one dollar; for every certificate for other than town purposes, fifty cents.

Sale of town property.

Sec. 96. That the board of commissioners shall have power by a vote of three-fifths of the commissioners present at such meeting at which such proposition arises to sell any real property belonging to the town, and when so authorized, a deed for the said real estate may be executed by the mayor and attested by the town clerk, with the corporate seal of the town attached: *Provided*, that this section shall not apply to plats in the cemetery, except as to form and manner of the execution of the deed.

Execution of deed.

Proviso: sale of cemetery lots.

Work in payment of fines and penalties.

Sec. 97. That in all cases where judgment may be entered up against any person or persons for fines or penalties according to the laws and ordinances of the town of Beaufort, and a person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom said judgment is entered to order and require such person so convicted to work on the streets or other public works until at fair rates of wages such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

Levy on town property forbidden.

Payment of town debts.

Sec. 98. That no levy shall be made on any property belonging to the town, nor shall any levy be made upon the property of any individual for any debt due by the town, but all such debts shall be paid only by taxation upon subjects properly taxable by such corporation.

Failure of officer to settle misdemeanor.

Punishment.

Sec. 99. That any officer of the town of Beaufort who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals, or effects of such town shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Tax lists subject to inspection, alteration, or amendment.

Sec. 100. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax and subject to be corrected or altered by them, and shall be open for inspection by the public, and upon the demand of the authorities imposing the tax or their successors in office shall be surrendered to the authorities for such inspection or correction, and any tax collector who shall fail or refuse to surrender his list upon such demand shall be guilty of a misdemeanor.

Failure to surrender list misdemeanor.

Police to serve civil process.

Sec. 101. That it shall be lawful for policemen to serve all civil process that may be directed to them by any court under the same regulations and penalties as are or may be prescribed by law for constables.

Employment of convicts.

Sec. 102. That it shall be lawful for the town authorities, in their discretion, to contract in writing with the board of county commissioners for the employment of such prisoners as may be confined in the county jail by order of the court on the streets.

Cases before mayor not subject to removal.

Right of appeal.

Sec. 103. That no person shall have the right in any proceeding before the mayor to remove the same to any other court for trial, but in all cases parties shall have the right of appeal as herein provided.

Violation of ordinances misdemeanor.

Sec. 104. That any person or persons violating any ordinance of the town shall be guilty of a misdemeanor.

Actions not brought before demand and refusal.

Sec. 105. That no action shall be instituted or maintained against the town of Beaufort upon any claim or demand whatsoever of any nature or kind until the claimant shall have first presented his or her claim or demand in writing to said board of commis-

sioners, and said board of commissioners shall have declined to pay or settle the same as presented, or for twenty days after such presentation neglected to enter or cause to be entered upon its minutes its decision in regard thereto; but nothing herein contained shall be so construed as to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running. No action for damages against said town of any character whatever, to either person or property, shall be instituted against said town, unless within sixty days after the happening or infliction of the injury complained of the complainant, his executors or administrators, shall have given notice to the board of commissioners of said town of such injury, in writing, stating in such notice the time and place of the happening of such injury, the character of same, the manner in which same happened, and the amount of damages claimed therefor, but this shall not prevent any statute of limitations from running or commencing to run from the time such cause of action accrued or in any manner interfere with the running of such statute. But nothing in this section shall be construed to affect any action now pending in the court.

Statute of limitations.

Notice of claim before actions for damages.

Statute of limitations.

Charter of town.

Laws repealed.

Sec. 106. That from and after the ratification of this act, the same shall be the charter of the town of Beaufort, and all laws now constituting the charter of said town and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds, and all laws of a public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect said town: *Provided*, that such repeal shall not annul any ordinance, by-laws, or rules of the corporation, unless the same be inconsistent with this act, nor shall such repeal affect any act done, or any ordinances, by-laws, or rules relating to bond issues or the granting of franchises, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, debt, or obligation possessed by or due to the corporation by its present name from any corporation or person whatsoever be lost, affected, or impaired, but the same shall remain in full force and be possessed, enforced, and enjoyed in the name and for the use of the corporation by the town of Beaufort.

Proviso: effect of repeal.

Sec. 107. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 108. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 436.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WEAVERVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and thirty-five of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended so as to give the said town of Weaverville the following additional powers: Additional powers.

Sec. 2. That the board of aldermen of the said town of Weaverville shall have the power at any and all times, whenever by them deemed necessary, to lay out and open new streets and sidewalks, or to widen, enlarge, change, extend, or discontinue any street, streets, sidewalk or sidewalks, or any part thereof, within the limits of the said town, and shall have the power and authority to condemn, appropriate, or use any land or lands necessary for the purpose, upon making reasonable compensation to the owner or owners thereof; but in case the owner or owners of any land or lands sought to be condemned or appropriated for the public use under the provisions of this act and the town cannot agree as to a reasonable price or compensation for said land or lands, then in that case it shall be the duty of the mayor and board of aldermen, and they are hereby authorized and empowered to proceed to condemn the said land or lands as follows: They shall appoint a jury of three freeholders, residents of said town and not related or connected with either the town or the owner or owners of any of the said lands sought to be condemned, which said jury shall go upon and view the premises and assess the damages, if any, which such property owner or owners shall sustain by reason of the appropriation of such lands for the said improvements; the said jury before entering upon their duties shall take an oath that they will fairly and impartially and faithfully discharge the duty of appraiser; the said jury shall file a written report with the board of aldermen, which said report shall show their findings and the amount of damages, if any, awarded to the said property owner or owners; in case the said jury appointed cannot agree as to the amount of damages sustained to any property owner, then it shall be the duty of the mayor and board of aldermen to appoint another jury until an agreement can be reached; it shall be the duty of the mayor and board of aldermen to cause at least five days notice to be served upon the owner or owners of any such lands sought to be condemned, which said notice shall show the time and place at which the said jury will assemble and also a brief recital of the purposes for which the proceeding is brought and a brief description of the land sought to be appropriated; either the said town or Powers as to streets and sidewalks. Power to condemn land. Proceedings for condemnation. Right of appeal.

the property owner or owners may appeal from the finding of the jury; such appeal shall be made to the Superior Court of Buncombe County, where the matter shall be determined by the court and jury; the procedure relating to such appeals shall be the same as provided by law for appeals from judgments of justices of the peace; no appeal, however, shall be good or allowed unless ten days notice of such appeal is given by the party so appealing, which said notice shall be given within ten days after the filing of the report by the said jury. In arriving at the damages which any of the said property owners may sustain by reason of the improvements herein provided for, it shall be the duty of the said jury to take into consideration the amount of benefits that will accrue to the said property by reason of the improvements aforesaid: *Provided further*, that in the event that any of such property owners shall be nonresidents of the State, then it shall be lawful to serve notice upon his or her agent, if any, and if not, then notice may be served by publication, and in the same manner as is provided by law for serving process in civil actions by publication, except that such publication can be ordered by the mayor and board of aldermen.

Proceedings on appeal.

Time of appeal.

Proviso: notice by publication.

License taxes.

Sec. 3. That the said mayor and board of aldermen shall have the power and authority to levy and collect a license or special privilege tax upon trades, professions, franchises, and other businesses of any character as the county of Buncombe or the city of Asheville are allowed to impose, levy, and collect; such taxes or special privilege license shall be levied at the time other taxes for the said town are levied. The mayor and board of aldermen of the said town of Weaverville are also authorized and empowered to levy and collect in addition to the other taxes which they are allowed to levy and collect, a poll tax upon every male inhabitant of the town of Weaverville between the ages of twenty-one and fifty, not to exceed the sum of three dollars upon each poll.

Poll tax.

Public safety.

Sec. 4. That the said mayor and board of aldermen shall have power and authority to make such rules and regulations looking to the public safety of the said town as they shall deem advisable, and shall have the power to regulate the construction of buildings within the said town and to require the owners to obtain building permits therefor.

Building regulations.

Health and sanitation.

Sec. 5. That the mayor and board of aldermen shall have the right to pass such ordinances and police regulations for the proper governing of said town as to them may seem advisable; they shall also have power and authority to make such rules and regulations for the protection of the public health and the proper sanitary conditions of said town as they deem advisable; they shall also have the right to quarantine against contagious diseases and make such rules and regulations relating to the same as they deem advisable, and shall have the right to create a

Quarantine.

Board of health.

board of health for said town under such rules and regulations as they may determine.

Sewerage and waterworks.

Sec. 6. The said town of Weaverville is hereby authorized and empowered to build, construct, operate, regulate, and maintain a system of sewerage and waterworks, to lay the necessary water and sewer pipes, with all the necessary adjuncts thereto, whether within or without the corporate limits, and shall have the power to purchase, acquire, or condemn the necessary lands for purpose of a watershed, reservoir, intake, and other necessary adjuncts in connection with its water and sewer system, whether such lands be situated either within or without the limits of the town of Weaverville; it shall have the right to make all necessary regulations relating to the management and control of the said water and sewer system as it may deem advisable, and shall have the right to charge for the use of water, and to require all inhabitants to connect with said sewer and water system; to make such rules relating to house drainage and plumbing and sewer connections as it deems necessary. In case the owner or owners of any lands sought to be acquired by the said town for the purpose of watershed, reservoir, intake site, or other necessary adjunct to said water and sewer system, or for right of way for the laying of pipes or other purpose in connection therewith, and the town cannot agree as to a reasonable price for such lands, then in that case the mayor and board of aldermen are authorized and empowered to enter upon said lands and commence said improvements and to proceed to condemn the said lands; the said lands shall be condemned and appropriated under the same procedure as is prescribed by section two of this act relating to the appropriation of lands for street and sidewalk purposes: *Provided, however*, that any lands sought to be condemned or appropriated situated without the limits of the said town, a jury of six shall be appointed instead of a jury of three, as is provided by section two of this act; three of said jurors shall be freeholders of the town of Weaverville and three shall be freeholders of Buncombe County, but without the limits of said town; otherwise the procedure relating to the condemnation of said lands shall be the same as is prescribed by section two of this act: *Provided*, that no appeal taken from the findings of the jury in any condemnation proceeding under this act shall have the effect to stay the operations and improvements contemplated herein, and the said town may proceed to prosecute the said improvements and may enter upon the lands for that purpose regardless of said appeals, upon depositing with the clerk of the Superior Court the amount of damages found by the said jury.

Management and control of system.

Water rates.

Regulation of connections.

Power to condemn lands.

Procedure for condemnation.

Proviso: lands outside of town.

Proviso: appeals not to delay work.

Bond issues authorized.

Sec. 7. That in order to raise funds sufficient to establish said water and sewer systems and to acquire the necessary land for a watershed, the said town of Weaverville is hereby authorized and empowered to issue bonds in such sum as they may deem

Interest. Maturity. Denomination. Proviso: issue to be authorized by election. Election on bond issue. Notice of election. Proviso: majority of vote cast.

necessary; said bonds to draw interest not to exceed six per cent per annum and to be payable thirty years after date, interest to be paid semiannually, and to be in such denomination as the mayor and board of aldermen may determine: *Provided, however*, that none of the said bonds shall be issued until authorized by a vote of the qualified voters of said town at an election to be called by the board of aldermen; the said board may call a special election for determining the question of issuing said bonds at any time they deem proper, or the question of issuing said bonds may be submitted to the voters at the next general election to be held for said town. They shall give thirty days notice of such election at four conspicuous places in said town: *Provided, however*, that said bonds may be issued if a majority of the votes cast are in favor of issuing said bonds, and it shall not be necessary to have a majority of the qualified voters.

Special tax.

Sec. 8. That the said town is hereby authorized and empowered to levy and collect annually a special tax of sufficient rate to pay the interest on said bonds as it becomes due and the principal thereof at maturity.

Rights and powers under general laws.

Sec. 9. That in addition to the powers hereby granted, the mayor and board of aldermen shall have all the rights and powers provided for by chapter seventy-three of the Revisal of one thousand nine hundred and five, and all such other powers as is conferred upon municipal corporations under the general laws of this State.

Sec. 10. That all laws in conflict with this act be and the same are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 437.

AN ACT RATIFYING AND APPROVING THE ISSUANCE OF BONDS BY THE BOARD OF ALDERMEN OF THE TOWN OF BELHAVEN.

The General Assembly of North Carolina do enact:

Preamble: bond issue authorized, but record defective.

Section 1. Whereas, by chapter two hundred and twenty-five, Private Laws of one thousand nine hundred and seven, ratified March first, one thousand nine hundred and seven, the board of aldermen of the town of Belhaven, Beaufort County, were authorized and empowered to issue bonds to an amount not exceeding twenty thousand dollars for certain purposes recited in section one of the said act, first submitting the issuance of same to a public election as provided in section four thereof, which said

election was duly called and held and a majority of the registered voters of said town voted in favor of the issuance of said bonds, but the said board of aldermen neglected to spread upon their minutes the proper entry and record thereof; and whereas the said board of aldermen have heretofore issued fifteen thousand dollars of said bonds, the last issue of five thousand dollars having been used in the erecting of a town hall, and desire to issue the remainder of five thousand dollars of said bonds for other public purposes as recited in section one of the said act: Now, the former issues of ten thousand dollars and five thousand dollars of said bonds, respectively, are hereby declared to be good and valid, and the same are hereby ratified.

Preamble: bonds heretofore issued.

Bonds declared valid.

Sec. 2. That the board of aldermen of the town of Belhaven are hereby authorized and empowered to issue the remainder of five thousand dollars of said bonds, at any time they may find a purchaser for the same, at not less than par, for the purposes recited in section one of the said act, or such part of the same as they may deem necessary.

Further issue authorized.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 438.

AN ACT TO PRESCRIBE HOW BALLOTS SHALL BE CAST IN ALL PRIMARY AND MUNICIPAL ELECTIONS, OR ELECTIONS FOR SCHOOL PURPOSES, IN THE CITY OF SALISBURY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. No ballot shall be voted except an official ballot given to the voter by the judges at the polls as hereinafter set out, and no person except said judges shall be allowed to give any ballot to any voter, and no voter shall be allowed to receive any ballot except at the polls and from said judges.

Regulation for furnishing and receipt of ballots.

Sec. 2. Each registered voter entitled to vote, on coming to the polls, shall be given by the judges of election an official ballot, and on receiving the same shall, without leaving the place inclosed for voters, retire alone to one of the marking compartments and prepare his ballot by making a cross in the square at the right of the name of such candidate for whom he wishes to vote, or by inserting the name of such candidate in the space provided therefor and making the cross in the square at the right, and, upon a question submitted to the people, by making a cross in the square at the right of the answer which he intends to give.

Receipt and preparation of ballot.

Assistance in preparation of ballot.

Sec. 3. Any voter who is unable to prepare his ballot shall be entitled to assistance in the making thereof by one of the judges, as the voter may request, and said judge shall prepare said ballot as requested by the voter.

Regulations for marking of ballots.

Sec. 4. No voter shall go into a marking compartment occupied by another, nor remain within the guard-rail more than ten minutes, nor occupy a voting compartment for more than five minutes if other voters are waiting to occupy the same.

Deposit of ballots.

Sec. 5. The voter shall fold his ballot and deposit the same in the proper box, or hand it to one of the judges to deposit it for him, and no judge of election or other person shall be entitled to open or see how such voter votes.

Voting places, guard-rails, and compartments.

Sec. 6. The municipal authorities of the city of Salisbury shall prepare voting places, guard-rails, compartments, and other necessary things for the carrying into effect this act, and shall provide and publish the form of ballot, and prescribe the railing space around the polls.

Elections subject to act.

Sec. 7. That this act shall apply to all primary municipal elections, and to all elections relating to schools, in the city of Salisbury.

Violations misdemeanor.

Sec. 8. Any person violating section one, or section two, or section three of this act shall be guilty of a misdemeanor, and upon conviction punished in the discretion of the court.

Repealing clause.

Proviso: application of act.

Sec. 9. All laws in conflict with this act, so far as pertain to the city of Salisbury, are hereby repealed: *Provided*, that the provisions of this act shall apply only to the city of Salisbury.

Sec. 10. This act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 439.

AN ACT ALLOWING W. T. DORK TO REMOVE CERTAIN DEAD BODIES ON HIS LAND AND REINTER THE SAME.

The General Assembly of North Carolina do enact:

Removal and reinterment authorized.

Section 1. That W. T. Dork be and he is hereby allowed to remove all the dead bodies of certain negro slaves buried on the lands now owned by the said W. T. Dork in Chatham County, North Carolina, near the village of Ore Hill, North Carolina, and reinter the same on land suitable to the wishes of the relatives of said deceased slaves.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 440.

AN ACT TO INCORPORATE FIRST PRESBYTERIAN CHURCH OF BURNSVILLE, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Trustees named and incorporated.

Section 1. That Roy Burton, T. Mack Baker, John P. Lyon, William C. McNew, and Rhea B. Lyon, trustees, and their successors in office be and the same are hereby incorporated as a body politic under the name of "First Presbyterian Church of Burnsville," in the town of Burnsville, Yancey County, and by that name may sue and be sued, plead and be impleaded, may take and hold real and personal property, either by gift, purchase, or devise, and have the right to borrow money for building or constructing a church house, and secure the same by bonds, mortgage, or otherwise, and shall have perpetual succession, with the privilege of using a common seal, to be altered at their pleasure, and shall have all powers of like institutions and be governed in the performance of their duties by such laws and regulations as are or may hereafter be in force by the Presbyterian Church in the United States of America.

Corporate name.

Corporate powers.

Meetings and organization.

Sec. 2. That said trustees may meet at their pleasure and elect one of their number chairman, and one secretary and treasurer, and all vacancies caused by death or otherwise of said trustees shall be filled at an election to be held at a meeting of the congregation.

Vacancies.

Terms of office of trustees.

Sec. 3. That the term of office of said trustees from date of election shall be three years, or until their successors are elected and qualified, except that in the first election heretofore indicated, in the list of names of trustees, the first shall hold his office for one year, second and third shall hold their offices for two years, and the fourth and fifth shall hold their offices for three years.

Execution of conveyances and contracts.

Sec. 4. That all conveyances or other contracts (where such contracts are required to be in writing) on the part of said corporation shall be executed by the chairman of said board of trustees in the name of said corporation, and attested by the secretary under the said corporate seal, and acknowledged and proven as other corporate conveyances.

Trustees not personally liable.

Sec. 5. That the individual property of the aforesaid trustees shall not be liable for the debts of said corporation.

Sec. 6. That three members of said board, including either the chairman or secretary, shall constitute a quorum for the transaction of any of its business.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913

CHAPTER 441.

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF TRUSTEES OF THE MOUNT OLIVE GRADED SCHOOLS BY THE BOARD OF TOWN COMMISSIONERS OF MOUNT OLIVE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Laws repealed.

Section 1. That section six, chapter two hundred and forty-three, Private Laws of one thousand nine hundred and one, and chapter one hundred and ninety-two, Private Laws of one thousand nine hundred and five, be and the same are hereby repealed, and the following inserted in lieu of section six, chapter two hundred and forty-three, Private Laws of one thousand nine hundred and one: "Upon the expiration of the terms of office of the present members of the board of trustees of the Mount Olive Graded Schools, as their said terms shall severally expire, the board of town commissioners of the town of Mount Olive shall elect their successors for a term of office of six years from the date of their election, and biennially thereafter the said board of town commissioners shall elect two members of said board of trustees for a term of six years. All vacancies occurring in said board of trustees by death, resignation, or otherwise shall be filled for the unexpired term by said board of town commissioners."

Election of trustees.

Terms of office.

Vacancies.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 442.

AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF RALEIGH AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. That section one of article sixteen of "An act to incorporate the city of Raleigh and to repeal its present charter and all laws in conflict with this act," which said act was ratified on March third, one thousand nine hundred and thirteen, be and it is hereby amended by adding at the end of said section the following: "and should the board of commissioners determine to buy or build and construct a water or electric plant, either or both, to be owned by the city, they shall have power and authority to

Bond issue authorized.

issue bonds of the city of Raleigh in such amount and to run for such a length of time, not to exceed forty years, as the said commissioners may determine, and negotiate and sell the same in order to raise sufficient funds to carry into effect the provisions of this section." Amount and maturity.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 443.

AN ACT TO REMOVE CERTAIN DEAD BODIES FROM THE GRAVEYARD OF THE FIRST BAPTIST CHURCH OF WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That it shall be lawful for the trustees of the First Baptist Church of Washington, North Carolina, to take up and remove, from the graves on the property of the said church, the remains of all dead bodies thereon interred, and convey the same to and reinter said remains on a lot or lots to be secured by them in the cemetery of the city of Washington, North Carolina: *Provided*, that thirty days notice of their intention to remove said remains, as above provided, shall be given by publishing a notice in some newspaper published in the county of Beaufort and in some newspaper published in the city of Raleigh for at least thirty days. Removal and reinterment authorized. Proviso: advertisement.

Sec. 2. This act shall not conflict in any way with any ordinance of the city of Washington or law or regulation of the State Board of Health in force at the time of said removal, regulating the removal of dead bodies. All other acts or statutes in conflict with this act are hereby repealed. Regulations of town and of State board of health.

Sec. 3. This act shall be in force and effect from and after its ratification.

Ratified this 11th day of March, A. D. 1913.

CHAPTER 444.

AN ACT TO INCORPORATE THE MONROE WAREHOUSE AND STORAGE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That J. M. Fairley, Sr., J. M. Fairley, Jr., and E. B. Stack and their associates, successors, and assigns be and they are hereby declared a body politic and corporate under the name and Corporators. Incorporation.

Corporate name. Corporate powers.

style of the Monroe Warehouse and Storage Company, and by that name shall have succession for a period of sixty years, and may sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act.

Capital stock. Shares. Minimum for organization.

Sec. 2. That the total authorized capital stock of said corporation shall be fifty thousand dollars ($50,000), divided into shares of one hundred dollars ($100) each, but said corporation may organize and begin business as soon as five thousand dollars ($5,000) of said capital stock has been subscribed and two thousand dollars ($2,000) thereof has been paid in.

Principal office.

Sec. 3. That the principal office and place of business of said corporation shall be Monroe, North Carolina.

Objects of incorporation.

Sec. 4. The objects for which said corporation is established are to do a general warehouse and storage business; to store goods, wares, merchandise, and cotton; to lease and rent space for storage, to buy, sell, weigh, and store cotton; to issue warehouse receipts and lend money upon same; to buy, sell, and deal in real estate; to construct warehouse or warehouses for the storage of goods, wares, merchandise, and cotton, and to do all such other acts and things as are usually incident to the carrying on of a general warehouse and storage business.

Powers specifically granted.

Sec. 5. In furtherance of the objects and purposes hereinbefore stated, the said corporation shall have the following powers (it being hereby expressly provided, however, that the said powers herein specifically enumerated shall not be held to limit or restrict in any manner the general powers conferred by the laws of the State of North Carolina in chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina and the laws amendatory thereof, or elsewhere), that is to say:

To buy, sell, and deal in real estate.

(1) To buy, sell, and deal in real estate, and to execute mortgages thereon as security for money borrowed or debts owing.

To build and operate warehouses and depots. Charges for storage. Lien for charges. Rules and regulations. Advances. Receipts negotiable.

(2) To lease, build, erect, maintain, conduct, and operate one or more warehouses or depots for the storage of goods, wares, and merchandise, cotton, and other products, and charge and receive commissions, rents, and compensation for the storage and keeping thereof, which charge shall constitute a lien on the property so stored; make rules, regulations, contracts, and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products and merchandise stored, as aforesaid, and do all such things as may be wise and profitable in and about such warehouse business; and the receipts issued by said corporation shall be and same are hereby declared to be negotiable instruments and pass by indorsement and delivery, and to entitle the holder thereof to the property marked and designated therein

in like manner as the original holder would be had not such an assignment been made. Said warehouse receipts shall plainly state the weight of said cotton or other merchandise stored in the warehouse or depots of said corporation, and they shall be signed by a weigher who shall be duly appointed by the directors of said corporation and who shall give bond in the sum of one thousand dollars ($1,000), payable to the State of North Carolina and approved by the directors of said corporation, for the faithful performance of his duties as such weigher, and he shall have the exclusive right of weighing all cotton or other products delivered to said warehouse for storage or shipment; and said corporation shall keep an accurate record of all cotton and other merchandise weighed by said weigher and received by it. The said corporation shall have power to lend money upon the security of said receipts, and to deal in securities, to borrow and lend money, and to do all things necessary to be done to carry on a general warehouse and storage business in all its branches, and lend and advance money upon the security of cotton and other merchandise stored in its warehouses or depots.

Specifications of receipts.

Weigher and bond.

Record of cotton.

Power to lend and borrow money.

Sec. 6. That whenever fifty shares of the capital stock of said corporation shall have been subscribed, the subscribers, under the direction of the majority of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors and providing for the election of such other officers as may be necessary for the management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under this charter and the laws of the State of North Carolina.

Organization.

Directors and other officers.

Powers and functions.

Sec. 7. That this act shall take effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 445.

AN ACT TO INCORPORATE THE HIGHLANDS RAILWAY COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That J. J. Combs, C. N. Malone, H. C. Eversole, and J. Q. Pierson, A. F. Hall, R. R. Hicks, and such other persons who may be associated with them, their successors and assigns, are hereby created a body corporate under the name of the Highlands Railway Company, for the purposes hereinafter described, and under the aforesaid name and style shall have perpetual succession, and shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether in law

Corporators.

Incorporation.

Corporate name.

Corporate powers.

or equity and may make and have a common seal, and alter, renew, or break the same at pleasure, and shall have, possess, and enjoy all the rights and privileges of a corporation or body politic under the general law, and also have the rights, privileges, and franchises herein given.

Power to construct and operate railway.

Sec. 2. The said company shall have, and it is hereby given the right and power to locate, construct, equip, maintain, and operate by steam power or electric power a railroad, or any part thereof, upon

Termini and routes.

one or more tracks, standard-gauge or otherwise, from some point in Macon County, either Franklin, Otto, or Orlando, or such other point as it may determine, to Highlands in said Macon County,

Branch lines.

and from said Highlands to Toxaway in Transylvania County, and it may also construct, maintain, and operate such lateral and branch lines as may be necessary or advantageous to the extension,

Dams, culverts, trestles, and bridges.

completion, and operation of such railroad, and for these purposes it shall have the power to construct dams, culverts, trestles and

Navigable streams.

bridges over and across streams, valleys, and depressions; and it shall have the right to cross any navigable stream on its route; it

Rights in connections with other roads.

shall have the right to cross at grade, over or under, and to intersect, join, or unite its railway with any other railway now constructed or that may be hereafter constructed in the State, upon

Turnouts, sidings, and switches.

the ground of such other companies at any point on its route, and to build the necessary turnouts, sidings, switches, and other

Powers under general law.

conveniences in furtherance of the object of its construction; and may, in making any intersection or connection with another road, have all the rights, powers, and privileges conferred upon railroads by chapter sixty-one of the Revisal of one thousand nine hundred and five, or any act of Assembly amendatory thereof.

Stations and schedules.

Said company shall have the right to locate such station or stations along its railroad and arrange such schedule or schedules for the running of its passenger or freight cars or trains as it may think

Powers in acquiring property.

proper. For the construction of the railway provided by this act the company shall have, for the purpose of acquiring lands, easements, or rights of way, all the rights, powers, and authorities given to railroads under chapter sixty-one of Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act.

Exclusive right of transport.

Sec. 3. Said company, its successors and assigns, shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail, or other property, and make and collect charges therefor;

Tolls.

and to make, fix, charge, and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Use of highways and streets.

Sec. 4. Said company shall have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines, or other equipment, under such reasonable regulations as the authorities controlling said roads, highways, or streets respectively shall, upon application from the company, prescribe.

Capital stock.

Shares.

Application and payment on increase.

Sec. 5. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the vote of the stockholders to an amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in sections one thousand two hundred and thirty-two and one thousand two hundred and thirty-five of chapter twenty-one of Revisal of one thousand nine hundred and five, for increase of capital stock. Each share subscribed shall be entitled to one vote in all meetings of the stockholders of said company, and five thousand dollars shall be the minimum subscription on which said company may be organized. The company may receive cash, labor, material, bonds, stock contracts, real or personal property, in payment of subscriptions to its capital stock. A majority of the corporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers by said board of directors as may be necessary for the control and management of the business and affairs of said company; and thereupon they shall have and exercise all the powers and functions of such a corporation under this charter and the laws of this State. No subscriber shall be individually liable for the debts of the company.

Stock votes.

Minimum subscription for organization.

Organization.

Directors and other officers.

Subscribers not individually liable.

Power to borrow money and issue bonds.

Mortgages or deeds of trust.

Sec. 6. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real or personal or mixed; also on all its franchises, contracts, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease, or in any manner convey and encumber the same or any part thereof.

Power of consolidation.

Sec. 7. The said company may contract or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property, and franchises with and into those of any other company or companies incorporated under the laws of this State, or any other State in the United States, operating or authorized to operate railway lines, upon such terms and under

such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal, or mixed, its contracts and privileges, and its charter rights and franchises, to any such other company or companies; and full power and authority are hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidations, leases, sales, mergers, and changes of name.

Power to sell or lease.

Location of works.

Sec. 8. The board of directors shall as soon as it deems it practicable, proceed to locate the works of said company, and may have one or more locations from time to time, as it may deem expedient, and the construction of some of the said work shall be begun within five years after the ratification of this act.

Time for beginning of construction.

Principal office.

Sec. 9. That the principal office of said company shall be located at Highlands, North Carolina, and such branch offices as may be desirable for the purpose of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe. But by consent of the board of directors the principal office may be removed to any place within the State most expedient to the management of its works.

Branch offices.

Removal of principal office.

Power to condemn land.

Sec. 10. Whenever from any cause the said company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right of way and depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto, or may file petition before the clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plat thereof. The clerk of the Superior Court shall thereupon issue a summons or notice to the owner, returnable on a day certain after ten days notice, and, after a hearing, shall, if not sufficient cause is shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land or right of way taken. In assessing the damages, the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto, but general benefits pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for a condemnation of the right of way only, the consideration or damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration shall be for the fee. The appraisers shall make their report to the clerk of the Superior Court within ten days

Procedure for condemnation.

Estate.

Report.

from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court, in term-time, from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk. Record of report. Right of appeal.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its roadbed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses it may condemn not exceeding ten acres in any one place; and in all cases where land or rights of way have been condemned and where the owner shall petition for assessment or damages within two years from condemnation and occupation, and not after, except in cases of legal disabilities, and in such cases within two years from the removal of such disabilities. Limit of land condemned. Petition by landowner.

Sec. 12. A part of the railway line of said company may be constructed without completing its entire line, and the said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed. Partial construction and use authorized.

Sec. 13. The stockholders of said company, or board of directors under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of stockholders and directors may be held at such times and places as the stockholders and board of directors may respectively prescribe. By-laws, rules and regulations. Meetings.

Sec. 14. The board of directors shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after date of its election, or until its successors are elected and qualified; and it shall choose from among its numbers a president, vice president, secretary and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation, or incapacity of any officer or member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term. Election and term of directors. President, vice president, secretary and treasurer. Vacancies.

Sec. 15. This act shall be deemed and taken to be a public act, and a copy of any by-laws and regulations of said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against said company in any judicial proceedings. Public acts. Copies of by-laws and regulations evidence.

Sec. 16. The said company shall have the right to construct, acquire, own, or operate steamboats, gas boats, sailing vessels, or other boats for the transportation of passengers and freight over any of the navigable waters of this State, subject to the general laws regulating the said traffic. Steamboats and other vessels.

Issue of bonds and execution of mortgages authorized.

Sec. 17. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denominations and running for such a time, and bearing interest at such a rate, and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the directors of said company; and to secure payment of the same, the company is authorized to execute a mortgage, to such person or corporation as the company may select, on all real and personal estate of said company, together with all its franchises and privileges; or in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Macon County, and upon registration in said county it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes.

Registration of mortgages.

Municipalities may subscribe to stock or bonds.

Sec. 18. That any county, township, city, or town along or near the line of said railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of a writing, signed by not less than fifty freeholders and resident taxpayers of the county, township, city, or town, to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city, or town where said petitioners may reside a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, the board of commissioners of said county or proper authorities of said city or town may in their discretion order a new registration, and shall, within thirty days thereafter, order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county and at every polling place of said county, township, city, or town where the said election shall take place; and the returns thereof

Petition for election.

Order for election.

Ballots.

Law governing elections.

Notice of election.

Returns.

shall be made to the board of commissioners of said county, or proper authorities of said city or town.

Issue of bonds for subscription.

Sec. 19. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscription, and shall issue coupon bonds to the amount of said subscription, in order to pay the same; and the bonds shall upon their face indicate on account of what county, township, city, or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Denominations.

Maturity and interest.

Special tax.

Sec. 20. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon property and polls in said county, township, city, or town to pay for the interest on the bonds issued on account of such county, township, city, or town; and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city, or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county or by the proper authorities of such city or town issuing such bonds.

Levy and collection of tax.

Taxes kept separate.

Investment of sinking fund.

Act not operative in Jackson county.

Sec. 20½. That this act shall not apply in any way to the county of Jackson, and no rights of any kind are herein conveyed to the incorporators in this act to go over any part or portion of Jackson County, or to submit to the voters of Jackson County, or any township, town, or city in said Jackson County, the question of subscribing to the capital stock of said company.

Sec. 21. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 22. This act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 446.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE BY ADOPTING THE INITIATIVE, REFERENDUM, AND RECALL.

The General Assembly of North Carolina do enact:

Petition for election on recall.

Officers subject to recall.

Grounds for recall.

Public hearing.

Election if charges sustained.

Effect of election.

Section 1. *Recall.*—Thirty per cent of the qualified voters may petition the board of aldermen for a special election and twenty per cent for the general election to determine the recall or the retention of the manager, the mayor, or of any one or all of the board of aldermen. In this petition the grounds or reasons for desiring the recall shall be set forth as hereinafter provided under this section. Any manager, mayor, or any alderman may demand and call a public hearing in his own behalf before the election is called. If the charges set forth in the recall petition are sustained, the official for whom the recall is issued shall resign or the election be called. If the election is called, one other candidate may be listed, as hereinbefore provided for candidates. If the new candidate receives a higher number of votes than the officer to be recalled, the said official is thereby removed from office. If the old official receives a larger number of votes than the new candidate, he is retained.

Petition for suspension of ordinance.

Election or repeal of ordinance.

Sec. 2. *Referendum.*—On petition of forty per cent of the qualified voters, any ordinance or municipal law passed or about to be passed by the board of aldermen shall have its operation suspended for a period of sixty days. If within this time a formal protest is made by the said forty per centum of voters, the board of aldermen shall rescind their former action passing the ordinance or submit the ordinance to the vote of the people for their approval or disapproval.

Petition for passage of ordinance.

Passage of ordinance or call for election.

Sec. 3. *Initiative.*—Thirty per centum of the qualified voters may petition for the passage of an ordinance setting forth the ordinance in full. The board of aldermen may take the initiative and pass the ordinance or may submit it to the popular vote in a special or general election. If a majority of the qualified voters vote for it, it becomes law.

Election on acceptance of act.

Date for election.

Sec. 4. That for the purpose of ascertaining the will of the people of the city of Monroe, the board of aldermen of the city of Monroe shall call an election of the qualified voters of said city to be held on the first Monday in April, A. D. one thousand nine hundred and thirteen, after publishing this act in two issues of a newspaper published in the city of Monroe, at which election all qualified voters who are therein registered and qualified to vote, who are in favor of this amendment to the charter of the city of Monroe, shall cast a ballot on which shall be written or printed the words, "For Initiative, Referendum, and Recall," and those

Ballots.

opposed shall cast a ballot upon which shall be written or printed "Against Initiative, Referendum, and Recall." That said election shall be conducted under the same rules and regulations as are now required for other municipal elections for the city of Monroe, and shall be under the control and supervision of the board of aldermen, and if at said election a majority of the voters cast their vote "For Initiative, Referendum, and Recall," the foregoing amendment to the charter of the city of Monroe shall at once become effective and the law applicable to the city of Monroe as if unconditionally passed by the General Assembly of North Carolina.

Law governing elections.

Effect of election.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 447.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED ON THE 7TH DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

Section 1. That an act passed at the present session of the General Assembly of North Carolina, entitled "An act to incorporate the city of Durham, and to repeal its present charter and all laws in conflict with this act," ratified on the seventh day of March, one thousand nine hundred and thirteen, be and the same is hereby amended by striking out all words in section forty-nine of said act after the word "holding," in line thirty-six thereof, down to and including the word "commissioners," in line fifty-three of said section forty-nine, and insert in lieu of the words so stricken out the words, "an election and," and by striking out the words "the primary or," in line seven from bottom of said section forty-nine of said act, after the word "in" and before the word "the" in said line.

Elections.

Sec. 2. That section fifty-six of said act be and the same is hereby amended by striking out the words "to act as clerk of municipal court," after the comma following the word "do," in line ten of said section fifty-six, and before the word "and," in line eleven of said section.

City clerk.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 448.

AN ACT TO INCORPORATE DEYTON BEND METHODIST CHURCH, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.
Corporate name.

Section 1. That Deyton Bend Methodist Church of Yancey County, North Carolina, be and the same is hereby incorporated under the name and style of the "Deyton Bend Methodist Church,"

Corporate rights.

and by that name may acquire, hold, and convey real and personal property, sue and be sued, adopt a common seal, plead and be impleaded in any courts of the State, and have a continued succession for ninety-nine years.

Election of trustees.

Sec. 2. That immediately after the ratification of this act there shall be elected by the members of said church nine trustees, who shall carry out all the provisions of this act, such as the conveyance of property for said corporation and such other powers as are incident thereto.

Drunkenness or disorderly conduct misdemeanor.

Sec. 3. That any person found drunk or disorderly within one mile of said church, upon conviction, shall be guilty of a misdemeanor, and fined or imprisoned as provided for in a separate act of this General Assembly relating to Yancey County.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 449.

AN ACT TO AMEND CHAPTER 344, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, RELATIVE TO THE CHARTER OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and forty-four, Private Laws of nineteen hundred and seven, be amended as follows:

Number of policemen.

(1) By striking out the word "four," in line forty-three of section five of said chapter, and inserting in lieu thereof the word "eight."

Salary of police justice.

(2) By striking out the word "sixty," in line one of section one hundred and nine, paragraph two (2), and inserting in lieu thereof the word "forty."

Salary of chief of police.

(3) By striking out the word "sixty," in line two of section one hundred and nine, paragraph three (3), and inserting in lieu thereof the word "sixty-five"; and by striking out the word

"seventy," in line three of said section and paragraph, and inserting in lieu thereof the word "eighty."

(4) By striking out the word "forty-five," in line six of section one hundred and nine, paragraph six (6), and inserting in lieu thereof the word "fifty"; and by striking out the word "sixty," in line six of said section and paragraph, and inserting in lieu thereof the word "sixty-five." Salary of policemen.

Sec. 2. That in addition to the costs mentioned to be charged by the police justice in section twenty-eight of said chapter, there shall be charged and collected, upon conviction, a patrol fee of one dollar on each and every person who was hauled to the police station in a patrol wagon or other conveyance. Patrol fee.

Sec. 3. That the chief of the police shall have the same right and power to issue all warrants as the police justice, which warrants shall be returnable before the police justice for trial, and to that end the chief of police shall have the right to administer oaths and to do all things necessary to be done in issuing said warrants, which warrants shall be signed by him in his name as chief of police. Chief of police to issue warrants.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 450.

AN ACT AMENDING THE CHARTER OF THE TOWN OF TABOR, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter forty of the Private Laws of one thousand nine hundred and five be amended by adding at the end of section seven the following: "And the board of commissioners of said town shall have authority to open, extend, or widen any street or alley in said town, and to lay out and open new streets and alleys in said town, and condemn lands for such purposes; and the lands so condemned shall be taken at a valuation fixed by three resident freeholders of said town to be appointed by the clerk of the Superior Court of said county: and *Provided*, either party may have the right to appeal to the Superior Court of said county." Powers as to streets. Proviso: condemnation of land. Proviso: right of appeal.

Sec. 2. That section two of said Laws be amended so as to include the following territory: Beginning at a stake by the Atlantic Coast Line Railroad 2,405 feet north 1 degree west of the depot and runs south 89 degrees west 3,010 feet to a stake; thence Territory included.

south 1 degree east 3,811 feet to a stake; thence south 63 degrees and 45′ east 3,590 feet to said railroad; thence north 89 degrees east 3,210 feet to a stake; thence north 1 degree west 5,560 feet to a stake, and thence south 89 degrees west 3,210 feet to the beginning.

Sec. 3. That this act shall be in force and effect from and after its ratification.

Ratified this 11th day of March, A. D. 1913.

CHAPTER 451.

AN ACT TO CREATE A BOARD OF TRUSTEES FOR FIREMEN'S PENSION FUND OF WILMINGTON, NORTH CAROLINA, AND TO PROVIDE FOR PENSIONING DISABLED AND SUPERANNUATED FIREMEN.

The General Assembly of North Carolina do enact:

Board to be organized.

Section 1. That a board shall be organized in the city of Wilmington to be known as the "Board of Trustees of the Firemen's Pension Fund of Wilmington, N. C.," to raise and manage funds for the pension of disabled and retired firemen of the city of

Composition of board.

Wilmington. Said board shall consist of five members, who shall serve without pecuniary compensation, two of whom shall be named by the members of the fire department of the city, two by the council of the city of Wilmington, N. C., and the remaining

Title of present board changed and authority extended.

member by the State Insurance Commissioner of the State. That from and after the ratification of this act until the first Tuesday in January, one thousand nine hundred and fourteen, the members of the board of trustees in the city of Wilmington, heretofore known as the Trustees of the Firemen's Relief Fund, shall be known as the Trustees of the Firemen's Pension Fund of Wilmington, N. C., and shall perform the duties and be clothed with

Election of board.

the authority herein granted, for the time being. That on the first Tuesday in January, one thousand nine hundred and fourteen, and every second year thereafter, a board, to be composed as

Term of office.

hereinbefore first provided, shall be appointed, all to hold office

Organization.

for two years or until their successors are appointed, and immediately after appointment, organization shall be perfected by selecting from its members a chairman and a secretary and a treasurer, which last two positions may be combined and held by the same

Bond of treasurer.

person. The treasurer shall give a good and sufficient bond to be approved by the Insurance Commissioner of the State, for the

Control of funds.

faithful and proper discharge of the duties of his office. The board thus organized shall have entire control of the funds derived from the provisions under this act.

Sec. 2. The funds for the firemen's pension fund shall be raised as follows: Funds raised.

1. The city of Wilmington may annually, that is, before the first day of February of each year, pay over to the treasurer of the firemen's pension and relief fund a sum of not less than five hundred dollars ($500), or so much in addition thereto as may be authorized by its council or governing board out of the general fund of the city of Wilmington, North Carolina. Appropriation from city.

2. The Insurance Commissioner of the State of North Carolina shall hereafter pay over seventy-five per cent of the money collected from insurance companies, corporations, or associations doing business in the city of Wilmington by and under the provisions of an act of the General Assembly of North Carolina, ratified the ninth day of March, A. D. one thousand nine hundred and seven, to the board of trustees of the firemen's pension fund of Wilmington, North Carolina, as herein provided for. Fund from insurance companies.

3. Seventy-five per cent of the capital, interest, income, the cash deposits, funds, securities, and credits formerly or at the time of the ratification of this act held by the board of trustees of firemen's relief fund of the city of Wilmington, or by the treasurer of said board subject to the use of said board, shall from and after the ratification of this act be and become and be held as a part of the funds belonging to the board of trustees for the firemen's pension fund, as herein provided for. Percentage of firemen's relief fund.

4. All forfeitures and fines imposed by the council of city of Wilmington, from time to time, and received by the city clerk and treasurer, by way of discipline from any member or members of the fire department, shall be turned over by the city clerk and treasurer to the treasurer of the firemen's pension relief fund. Fines from firemen.

5. The board of trustees as herein provided for may take by gift, grant, devise, or bequest any money, real or personal property or other valuable thing, and hold or invest the same for the uses of said fund, in accordance with the purposes of this act. Gifts and bequests.

6. All rewards, in money, fees, gifts, testimonials, and emoluments, that may be paid or given for account of extraordinary services by any member of the fire department force, except such as have been or shall be allowed by the council of the city of Wilmington to be retained by said member or members, and such as have been or shall be given to endow a medal or other permanent or competitive reward, shall be paid into said pension relief fund. Rewards for extraordinary service.

7. The said board of trustees shall have authority to impose an assessment upon members of the said fire department and to grade the same, provided such assessments are uniform and equitably graded in relation to the salaries such members are receiving. Assessments on firemen.

Sec. 3. The said board of trustees of the firemen's pension fund shall have the power to invest said pension fund in the name of the "Board of Trustees of the Firemen's Pension Fund" in interest- Investment of fund.

bearing bonds of the United States, of the State of North Carolina, or of the city of Wilmington. In case such pension fund or any part thereof shall by order of said board or otherwise be deposited in any bank or banks, all interest or money which may be paid or agreed to be paid on account of such sums or deposit shall belong to and constitute a part of said fund.

Interest on deposits.

Trustees to report annually.

Sec. 4. The said board of trustees shall make a full report to the council of the city of Wilmington of transactions and the condition of said pension fund at the first regular meeting of said city council in January of each and every year.

City attorney to advise and represent board.

Sec. 5. It shall be the duty of the city attorney of the city of Wilmington to give advice to said board of trustees in all matters pertaining to their duties and the management of said firemen's pension fund, whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined by said board.

Rules and regulations.

Sec. 6. The board of trustees of the firemen's pension fund shall make all needful rules and regulations for its government in the discharge of its duties and shall hear and decide all applications for pensions under this act, and its decisions on such applications shall be final and conclusive and not subject to review or revisal except by the board. The board shall cause to be kept a record of all its meetings and proceedings.

Applications for pensions.

Decisions final.

Record of proceedings.

Pensions.

Sec. 7. Pensions shall be allowed and paid as follows:

Persons disabled in discharge of duty.

1. Any member of the fire department force of the city who shall, while in the performance of his duties in said fire department and while responding to alarms of fire, become and be found upon examination by a physician appointed by said board of trustees to be physically or mentally disabled by reason of such service in said fire department, said board of trustees of the firemen's pension fund shall upon the certificate of said physician, and by majority vote, retire such disabled member from service in said fire department: *Provided*, no such retirement on account of disability shall occur unless said member or substitute has contracted disability while in the service and in the performance of duty. Upon such retirement, the said board of trustees shall order the payment of such disabled or retired member of said fire department monthly from said pension fund a sum not exceeding one-half the monthly compensation allowed to such member as salary at the age of such retirement: *Provided, nevertheless*, the minimum amount as a pension fund shall not be less than ten dollars ($10) per month.

Proviso: disability incurred in performance of duty.

Rate of pension.

Proviso: minimum amount.

Retirement for age and long service.

2. The said board of trustees by a majority vote of its members, and with the approval of said physician appointed by said board of trustees, shall have power to retire from service in the said department any active member who has reached the age of fifty-

five (55) years, and has served in such fire department for a period of not less than twenty years, twelve years of which must have been consecutive, whenever such member becomes incapacitated by age, and shall in such case place the member so retired upon the pension roll, such retired member shall receive from the pension fund monthly an amount not less than one-half the monthly compensation allowed to such member as salary at the date of such retirement; *Provided nevertheless*, the minimum amount as a pension shall not be less than ten dollars per month: *Provided, however*, any member of the said fire department shall have the privilege to retire from service in the said fire department who has reached the age of fifty years and has served in such fire department for a period of not less than twenty years.

Rate of pension.

Proviso: minimum.

Proviso: voluntary retirement.

3. No person shall be entitled to receive any pension from said fund except a regularly retired member of said fire department. The term member shall include all officers and men in active service in the fire force.

Regularly retired firemen only to receive pensions.

Member defined.

4. In case any member of such fire department is killed or dies while in the performance of his duties as fireman the board of trustees shall pay the amount of not less than fifty dollars nor more than one hundred dollars from said pension fund for funeral expenses.

Payment of funeral expenses.

5. No pension of said pension fund shall either before or after its order of distribution by said board to such disabled and pensioned members of said fire department, be held, taken, subjected to, or retained or levied on by virtue of any attachment, execution, injunction writ, interlocutory or other order or decree of any court or any process or proceeding whatever issued out of any court in this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any member, but the said fund shall be held, kept, secured, and distributed for the purposes of pensioning the persons, or the payment of funeral expenses as named in this act, and for no other purpose whatsoever.

Pensions and pension fund not subject to debt.

Sec. 8. There shall be kept in the office of said board of trustees by its secretary a book to be known as the "List of Retired Firemen." This book shall give a full and complete history and record of all the actions of the board of trustees in retiring any and all persons under this act; such record shall give names, date of joining the department, date of retirement and the reason therefor, of any and all persons retired.

Lists of retired firemen.

Items of record.

Sec. 9. When the pension fund shall have reached an amount of such proportions that the interest thereon is sufficient to pay all pensions and expenses, no further amount shall be paid over by the city of Wilmington, as set forth in section two, division one, of this act, for the benefit of said pension fund, until such time as such interest shall again not be sufficient to pay such pensions and expenses.

Appropriation from city terminated by accretion of fund.

Pension pro rata if fund insufficient.

Sec. 10. If at any time, for any unforeseen cause, there shall not be sufficient money in said pension fund to pay each person entitled to the benefits thereof the full amount per month as herein provided, and such deficiency shall not be met by the city of Wilmington, then an equal percentage of such monthly payment shall be made to each beneficiary until said fund shall be replenished sufficiently to warrant the resumption of payment thereafter of full pension pay to each of said beneficiaries.

Fund exempt from taxation.

Sec. 11. The pension fund herein provided for shall be exempt from taxation.

Board to hold funds in trust.

Authority and duties.

Sec. 12. The board of trustees shall hold all funds collected, upon the trusts and for the purposes set out in this act, and shall be clothed with all the power and authority and subject to all the duties and restrictions in this act contained.

Sec. 13. All acts and parts of acts, in so far alone as they are in conflict herewith, are hereby repealed.

Sec. 14. This act shall be in force and effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 452.

AN ACT TO GRANT A NEW CHARTER TO THE TOWN OF SHARPSBURG, NASH, EDGECOMBE, AND WILSON COUNTIES, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. *Corporate Name.*—That all the inhabitants of the town of Sharpsburg in the counties of Nash, Edgecombe, and Wilson, North Carolina, as the boundaries and limits of said town are herein established or may be hereafter established, shall continue to be a body politic, incorporated under and to be known by the name and style of the "Town of Sharpsburg," with such powers, rights, and duties as are herein provided.

Corporate name.

Corporate powers.

Boundaries.

Sec. 2. *Boundaries.*—That the boundaries of the said town of Sharpsburg shall be and the same are hereby fixed and determined as follows: Beginning at the one hundred and nineteenth milepost on the Wilmington and Weldon Railroad, county of Wilson; thence twenty-nine degrees west one hundred and sixty-nine poles to a stake; thence north seventy-one degrees west one hundred poles to a stake; thence south twenty-nine degrees west three hundred and twenty poles to a stake; thence south seventy-one degrees east two hundred poles to a stake; thence north twenty-nine degrees east three hundred and twenty feet to a stake; thence north seventy-one degrees west one hundred poles to the railroad

and intersecting line north seventy-one degrees west to the beginning.

Streets.

Sec. 3. *Streets.*—That the streets of the town of Sharpsburg shall be and they are hereby fixed and determined as they were heretofore laid off, described and accepted by the board of commissioners of said town.

Corporate powers.

Sec. 4. *Corporate Powers.*—The town of Sharpsburg, made a body politic and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, plead and be impleaded in all courts and places, and in all matters whatever; may take, hold, and purchase lands as may be needed for the corporate purposes of said town, and may sell any real estate and personal property owned by it; perform and render all public services, when deemed expedient; may condemn property for public uses, and may hold, manage, and control the same, such condemnation proceedings to be governed and controlled by the board of commissioners; and shall be subject to all the duties and obligations now pertaining to or incumbent upon said town as a corporation, not in conflict with the provisions of this act; and shall enjoy all the rights, immunities, powers, privileges, and franchises now possessed by said town and herein granted and conferred, or granted and conferred by the general law. When any land or right of way shall be required for the purpose of opening new streets, or for widening those already opened, or for other public use allowed by this charter, and for want of agreement as to the compensation therefor, and the same cannot be purchased from the owner or owners, the same may be taken by a valuation to be made by three freeholders of the town, one to be chosen by the property owner and one to be chosen by the board of commissioners, and if these two cannot agree, they to choose a third person; and in making said valuation said freeholders, after being duly sworn by the mayor or justice of the peace or clerk of a court of record or other person authorized to administer oaths, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefits or advantages such owner may receive from the opening or widening of such street or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same, under their hands and seals, to the board of commissioners, which report, on being confirmed by the board of commissioners and spread upon their minutes, shall have the effect of a judgment against said board of commissioners and shall pass title to the board of commissioners in their corporate capacities of the lands so taken, and the land may at once be condemned and used by the town for the purpose intended: *Provided*, if any person whose land is thus taken or the board of commissioners be dissatisfied with the valuation that is made, then in that case either party may have an appeal to the next Superior Court of the county in

Condemnation of land for streets.

Arbitration for assessment of damages.

Report to pass title.

Proviso: right of appeal.

Proviso: appeal not to delay work.

which said land is situate: *Provided further, however*, that such appeal shall not hinder or delay the board of commissioners from opening or widening such street or creating such other improvements.

Legislative powers.

Sec. 5. *Ordinances.*—The town of Sharpsburg shall have power to enact and to enforce all ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order, and security of the town and its inhabitants; to protect the health, lives, and property of all the inhabitants of the said town, and to enact and enforce any and all ordinances upon any subject: *Provided*, that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina, or inconsistent with the provisions of this act: and *Provided further*, that the specification of particular powers shall never be construed as a limitation of the general powers herein granted, it being intended by this act to grant and bestow upon the inhabitants of the town of Sharpsburg and the town of Sharpsburg full power of self-government, and it shall have and exercise all powers of municipal government not prohibited to it by this charter or by some general law of the State of North Carolina or by the provisions of the Constitution of the State of North Carolina. All ordinances of the town, when printed and published and bearing on the title page thereof the words, "Ordained and published by the board of commissioners of the town of Sharpsburg," or words of like import, shall be *prima facie* evidence of their authenticity and shall be admitted and received in evidence in all courts and places without further proof.

Proviso: ordinances to conform to law.

Proviso: specification of powers not to act as limitation.

Printed ordinances evidence.

Powers as to streets.

Sec. 6. *Street Powers.*—The town of Sharpsburg shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, embellish, and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close the same; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether above or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals, or vehicles, in whatever way or for whatever purpose; to prevent, abate, and remove encroachments, obstructions, pollutions, or litter therein; to open new streets and highways when necessary, and generally to make and enforce any and all regulations in respect thereof in the judgment of the board of commissioners requisite, proper, or expedient to promote and insure the health, safety, and convenience of the inhabitants of said town.

Drains, sewers, and lights.

Traffic regulations.

Construction of sidewalks by owners of lots.

Sec. 7. *Sidewalks.*—The town of Sharpsburg may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of or abutting on their land or prop-

erty, and may prescribe the character of such sidewalk and the manner in which it shall be laid. Should any person or corporation owning land in the town of Sharpsburg fail or refuse to construct sidewalks in front of or abutting on their property, in accordance with the ordinances passed by the town of Sharpsburg, in addition to the penalty provided therein, the town of Sharpsburg shall have the right to have said sidewalks constructed in accordance with such ordinances, at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction of the amount for the cost and expense in constructing said sidewalks: *Provided*, the town shall first establish the proper grade and place the curbstone at the expense of the town.

Work done by town on default of owner.

Recovery of cost.

Proviso: grade and curbing.

Sec. 8. *Nuisances.*—The town shall also have the power to condemn as nuisances all buildings, cisterns, wells, and other erections in the town which on inspection shall be found unhealthy, unsanitary, or dangerous to persons or property, and cause the same to be abated or removed, at the expense of the owner, unless the owner thereof, at his or her expense, upon notice and with the sanction of the board of commissioners, shall reconstruct the same in such manner as shall be prescribed by the ordinances and regulations adopted by the town; and as to all buildings, cisterns, wells, and other erections and private improvements to be constructed in the future, they shall have the power and right and it shall be their duty to have the same constructed so as not to interfere with the health of persons or the safety of persons or property within the town.

Condemnation and abatement of nuisances.

Building regulations.

Sec. 9. *Fires.*—The town of Sharpsburg shall have power to provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance, and support of a fire department; and for the purpose of guarding against the calamity of fires, may prescribe fire limits, and may regulate or prohibit the erection, building, placing, or repairing of wooden buildings within such limits of said town as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fireproof material, the kind, character, extent, and quality of which may by ordinance be prescribed and fixed; also may prohibit the repairing of wooden buildings in fire limits, when the same shall have been damaged to within fifty per cent of the value thereof, and may prescribe the manner of finding such damages, and may also declare all dilapidated buildings to be nuisances, and require same to be repaired, removed, or abated in such manner as the board of commissioners may prescribe, and may declare

Fire protection.

Fire limits.

Buildings declared nuisances.

all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings or which may cause or promote fire, to be nuisances, and cause the same to be removed in such manner as may be required, at the expense of the owner, and may further prescribe limits within which only fireproof roofing may be used, and may impose a penalty for violations of such rules and regulations.

Fireproof roofing.

Markets, market places, and abattoirs.

Sec. 10. *Markets.*—Said town shall have the power to establish, lease, buy, erect, maintain, own, regulate, and operate markets and market places, abattoirs, and to build, own, and maintain buildings therefor, and to rent and lease the same.

Burial grounds and crematories.

Burial regulations.

Sec. 11. *Health.*—The town of Sharpsburg shall have the power to regulate burial grounds, crematories, and cemeteries, and to prohibit burial within the town limits, if deemed advisable or if found necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the town, and, when demanded by the public interest or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be interred in a suitable place to be provided by the town, at its expense; and, whenever advisable, the town may condemn the land proposed to be used for the reinterring of bodies in the same manner as in condemnation of streets, etc., and use such condemned ground, formerly used for cemetery purposes, for such other purposes as may best subserve the interest of the town.

Removal and reinterment of bodies.

Condemnation of land.

Destruction of infected property.

(*b*) The town of Sharpsburg shall also have the power by ordinance to authorize the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious or contagious or dangerous disease, when the public health requires the destruction of the same, and may also in the same manner authorize the destruction and removal of buildings or other objects, after the same has been declared a nuisance and to be dangerous to the health or lives of the citizens of said town.

Quarantine regulations.

(*c*) To make regulations to prevent the introduction of contagious diseases into the town, to make quarantine laws for that purpose, and to enforce them within the town and within one mile thereof.

Drains, sinks, and privies.

(*d*) To require the owners of private drains, sinks, or privies to fill up, cleanse, drain, alter, relay, repair, fix, and improve the same as they may be ordered by resolution or ordinance of the board of commissioners, and to impose penalties upon persons failing to do the same. If there be no person in the town upon whom such an order can be served, the town then can have such work done, and cost of same shall be a lien on the property and taxed up against it and collected in such manner as the board of commissioners may determine.

Cost of work a lien on property.

Sanitation.

(*e*) To prevent any person from bringing, depositing, or having within the town limits the carcass of any dead animal or other

unwholesome substance or matter or filth of any kind, and to require prompt removal of the same, and impose all necessary penalties for the enforcement of such powers.

Regulation of butchers.

(*f*) To regulate, license, or prohibit butchers and prevent their slaughtering animals within the town limits, and to revoke their license for malconduct in trade; and to regulate, license, and restrain the sale of fresh meats, fruits, and vegetables, and the slaughter of animals; and to license and regulate or prohibit slaughter-houses within the town limits.

Meat and vegetable markets.

Inspection of premises.

(*g*) The town of Sharpsburg shall have the right to have inspected the premises of all persons, at any hour during the daytime, in the interest of public health, and for the purpose of making said inspection the officers or agents of the town duly authorized to do so shall have the right to enter upon the premises of any person at any hour during the daytime to make said inspection. Whenever notice is given by any officer or employee of the town inspecting any premises that said premises need cleaning, the owner or tenant of such premises shall cause the night-soil or other refuse matter thereon to be removed, or the same shall be removed at the instance of the proper authorities of the town and the cost thereof shall be paid by the owner or tenant, and failure to do so shall subject said owner or tenant to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the mayor's court, in any sum not less than one dollar nor more than fifty dollars.

Right of entry.

Cleaning up of premises.

Cost paid by owner or tenant.

Penalty for failure.

Sec. 12. *Charities and Corrections.*—The town shall have power to establish, maintain, and regulate the town prison or town prisons for vagrants, town convicts, and disorderly persons, also houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or with vicious parents, or parents who willfully and grossly neglect them, and such other places of incarceration and reformatory institutions and such orphanages and charitable institutions as it may deem expedient: *Provided, however*, that no gratuity that is purely personal and no pension shall ever be granted to any individual, and no funds belonging to the town shall be paid out except for personal services rendered and for the purposes specified or authorized by this act or the general laws of the State.

Prisons and reformatories.

Compulsory schools.

Proviso: gratuities and pensions forbidden.

Sec. 13. The board of commissioners of the town of Sharpsburg shall have the power to make ordinances, rules and regulations for the better government of the town, not inconsistent with chapter seven hundred and thirty of the Revisal of one thousand nine hundred and five of North Carolina, as they may deem necessary or expedient, and may enforce them by imposing penalties on such as violate them, and may compel the performance of the duties imposed upon them by suitable penalties.

Power to pass further ordinances.

Sec. 14. *Elective Officers.*—All powers conferred on the town of Sharpsburg shall, unless otherwise provided in this charter, be

Exercise of powers.

Election of mayor and commissioners.

exercised by the mayor and three commissioners, each of whom shall be elected by the qualified voters of the town at large, and shall devote as much time to the service of the town as shall be necessary for the prompt and efficient administration of the business affairs of said town. The mayor shall be *ex officio* chairman of the board of commissioners, and shall have the right to vote only in case of a tie in the board; and the mayor and the members of said board of commissioners shall hold office for two years from and after the date of their election or until their successors have been duly elected and qualified.

Mayor ex officio chairman.

Vote only on ties.

Terms of office.

Mayor and commissioners successors to present board.

(*b*) The mayor and other members of the board of commissioners elected under this act, and their successors in office, shall be held and deemed in law and fact the successors of the present mayor and board of commissioners of the town of Sharpsburg, and upon the qualification of the mayor and other members of the board of commissioners, all the powers, rights, and duties of the present mayor and board of commissioners of the said town shall cease; and from and after the passage of this act the said board of commissioners shall have and exercise all the rights, powers, and duties of the mayor and board of commissioners of cities and towns as may be conferred by the laws and Constitution of this State, and shall have and exercise all the rights, powers, and duties conferred upon them or either of them by the terms of this act.

Service of present government.

(*c*) The present mayor and board of commissioners and other town officers, as composed under chapter one thousand eight hundred and eighty-three, shall continue to serve until the next town election, to be held as hereinafter provided for in this act, and until the qualification of the officers elected at said election, and shall temporarily exercise the powers and be subject to the limitations in this charter contained.

Mayor to order election.

Notice of election.

Date.

Officers to be elected.

Election called by commissioners on default of mayor.

Term of officers-elect.

(*d*) It shall be the duty of the present mayor, after this act becomes a law, to order an election to be held in the town of Sharpsburg, by giving thirty days notice thereof, which election shall be held on the Tuesday next after the first Monday in May, one thousand nine hundred and thirteen, at which election a mayor and three commissioners shall be elected by the town at large. If for any reason the mayor fails to make the said call for said election within twenty days after this act shall become a law, then it shall become the duty of the present board of commissioners to issue said call for said election by giving thirty days notice thereof. Said election shall be held as provided for herein, and the mayor and three commissioners so elected at said election shall hold their respective offices until the Tuesday after the first Monday in May, one thousand nine hundred and fifteen, or until their successors are elected and qualified.

Future elections.

(*e*) On Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and on the Tuesday after the first Monday in May, biennially thereafter, the board of commissioners

shall cause to be held in the town of Sharpsburg an election for a mayor and three commissioners, as provided for in paragraph one of this section, who shall perform the duties and discharge the obligations conferred and imposed by the provisions of this act, and who shall hold their respective offices for two years and until their successors are elected and qualified.

Voting place.

(*f*) There shall be established and arranged at least one voting place, to be located so as to be most convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes, and registration books.

Election officers, ballot boxes, and registration books.

Hours of elections.

(*g*) The polls shall be open on the day of election from nine o'clock in the forenoon until three o'clock in the afternoon on the same day, and no longer; and the board of commissioners shall make all necessary regulations concerning elections, the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and shall be in keeping and consistent with the provisions of the State laws applicable to elections in municipalities, in so far as the same may be practicable and the board of commissioners shall provide for the examination and counting of the returns of the elections and declaration of the result thereof. The mayor and each of said commissioners, within ten days after the official announcement of his election, shall qualify as required by this charter and by the Constitution and laws of the State of North Carolina, and in failing to do so, his office shall become vacant.

Regulations for election.

Mayor and commissioners to qualify.

Mayor pro tem.

(*h*) In case of the death, absence, resignation, or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur for any reason, the mayor *pro tem.* shall act as mayor until the vacancy is duly filled as hereinafter provided for, and shall possess all the rights and powers of the mayor and perform all the duties imposed upon the mayor. In case of vacancy in the office of mayor, the board of commissioners at their next regular meeting or as soon thereafter as convenient shall elect some person qualified to hold the position to fill the vacancy existing in said office. The mayor so elected shall hold office until the next regular election thereafter.

Election of mayor to fill vacancy.

Removal of mayor for cause.

(*i*) In case of misconduct, inability, or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the board of commissioners, by a majority vote of all of the commissioners, but shall be given an opportunity to be heard in his defense, in person or by counsel, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing in case of the impeachment of mayor shall be public, and a full and complete statement of the reason for such removal, if he be removed, together with the findings of the facts as made by the board of commissioners, shall be filed by the board of com-

Hearing allowed.

Hearing to be public.

Record of removal.

missioners in the public archives of the town, and shall be and become a matter of public record.

Departments and agencies.

(*j*) The board of commissioners shall be vested with the power and authority to make and enforce such rules and regulations as they may deem fit and proper for and concerning the organization, management, and operation of all the departments of the town and whatsoever agencies may be created for the administration of its affairs. They shall have power to create such offices as they may deem necessary for the prudent and successful administration of the affairs of the town, and to fix the salaries of the persons appointed thereto: *Provided*, that the term of any such office created by them shall never exceed the period of one year, and they shall have the power to abolish at any time any such office and to terminate the official duties and relations of the person occupying the same. All offices created by the board of commissioners shall be filled by a majority vote of all the members of the said board of commissioners. In the event any such office shall not be filled promptly by the board of commissioners, it shall be the duty of the mayor to make a temporary appointment of an officer *pro tem.* to discharge the duties of said position until one shall be elected by said board of commissioners. Each member of the board of commissioners shall have the right to propose and name the employees in the department or departments under his immediate supervision, but a majority of the board of commissioners shall have the power to reject any such proposal and to discharge any officer or employee of the town. All salaries and wages to be paid to the employees of the town, except as otherwise provided herein, shall be fixed and paid by the board of commissioners, and shall not become effective until at least two members of the board of commissioners shall vote therefor.

Officers and salaries.

Proviso: term of office.

Power of abolition.

Elections to office.

Temporary appointments.

Employees of departments.

Salaries and wages.

Ordinances.

(*k*) The board of commissioners shall be vested with the power and charged with the duty of adopting all laws and ordinances not inconsistent with the Constitution and laws of this State, touching every object, matter, and subject within the purview of the local government instituted by this act.

Regular meetings.

(*l*) The board of commissioners shall meet at least once in every month in regular meeting, at such times as shall be fixed by said board of commissioners, at the mayor's office in said town, to consider and take under advisement and act upon such business as may come before them. A majority of said board of commissioners shall constitute a quorum, and no ordinance shall be passed or become effective without receiving the votes of at least two members of said board of commissioners. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the board of commissioners, or such action is taken at a regular meeting of the board of commissioners. Special meetings may be called by the mayor or by any member of the board of commissioners at any

Quorum.

Action as to special departments.

Special meetings.

time to consider only such matters as shall be mentioned in the call for said meeting, and written notice thereof shall be given to each member of said board of commissioners. All sessions of said board of commissioners, whether regular or called, shall be open to the public: *Provided*, the public may be excluded when the said board of commissioners are in executive session.

Meetings open to public.

Proviso: executive session.

(*m*) The board of commissioners, at its first meeting in June of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments allowed by this charter may be levied, assessed, and collected at such times as the board of commissioners in each case may prescribe. The board of commissioners shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied, and imposed under this charter, and are hereby authorized, and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations, and ordain and pass such ordinances as are deemed necessary to the levying, imposing, assessing, and collecting of any taxes provided for in this charter. Unless otherwise provided by this act, and by ordinances passed hereunder, all the property in such town liable to taxation shall be assessed in accordance with the provisions of the general law of the State in so far as applicable.

Tax levy.

Special taxes.

Collection of taxes.

Collection by distress and sale.

Assessments for taxation.

(*n*) The board of commissioners shall have the management and control of the finances of the town, except as otherwise herein provided. They shall have power to appropriate money and provide for the payment of debts and expenses of the town; to provide by ordinance special funds for special purposes provided under the provisions of the charter, and to make the same disbursable only for said purposes, and to impose proper penalties for enforcing the same; to provide by ordinance for the payment of any existing and outstanding indebtedness, and for the payment of any bonds that may from time to time be issued. The board of commissioners shall also have the power to fund or refund by ordinance the whole or any part of the existing debts of the town, or any future debt, by acquiring and cancelling the evidence thereof, and to issue other bonds in lieu thereof, either registered or coupon, bearing interest at a rate not greater than the rate on the original indebtedness, and to this end may apply the sinking fund belonging to any series of bonds so refunded, and may pay and retire any bond by using the sinking fund thereof.

Management and control of finances.

Payment of debts.

Power to fund and refund debts.

Use of sinking fund.

Sec. 15. *Other Officers.*—At the first meeting of the board of commissioners after their qualification, and from time to time thereafter as vacancies may arise, said board of commissioners shall elect, by majority vote, such other officers and employees as they may deem necessary for the benefit of the town, and shall prescribe the duties of the offices of said employees and fix the salaries for same.

Officers elected by commissioners.

Duties and salaries.

Taxing power.

Sec. 16. The board of commissioners shall have power and it is hereby authorized to levy annually, for general purposes and for the purpose of paying the expenses of the town government, an *ad valorem* tax on all real and personal property within the corporate limits of said town, as defined in section two of this act, and all personal property owned by the residents of said town, including money on hand, solvent credits, and upon all franchises granted by the town to individuals or corporations, and upon all other subjects taxed by the General Assembly, such tax not to exceed one dollar on every one hundred dollars appraised valuation of said property: *Provided, however*, that public property used for public purposes, actual places for religious worship, places of burial not held for private or corporate profit, all buildings used exclusively and owned by persons or corporations or associations of persons, for school purposes (and the necessary furniture of all schools), and institutions of purely public charity, are hereby declared to be exempt from taxation: and *Provided further*, that twenty-five dollars worth of household and kitchen furniture belonging to each family in said town shall likewise be exempt from taxation. The board of commissioners shall levy, assess, and collect from each male citizen of the town between the ages of twenty-one and fifty years, an annual poll tax of not exceeding three dollars: *Provided, however*, that all persons exempt from payment of State poll tax under the general laws of the State, or by virtue of the Constitution, shall be exempt from the payment of the town poll tax. If for any cause the board of commissioners shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then in that event the tax-levying ordinance last passed shall and will be considered in force and effect as the tax-levying ordinance for the year for which the said board of commissioners failed to pass a tax-levying ordinance, and the failure to pass such ordinance for any one year shall in no wise invalidate the collection of the taxes for that year.

Limit of rate.

Proviso: exemptions.

Proviso: exemption of personal property.

Poll tax.

Proviso: exemptions.

Tax ordinances not subject to expiration.

License taxes.

(*b*) In addition to the subjects listed for taxation, the board of commissioners may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by the collector immediately, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith levied upon and sold to satisfy the same, viz.: Upon all itinerant merchants and peddlers selling or offering to sell in the town, a tax not exceeding two hundred dollars per year, except only such as sell books, charts, or maps, and such as sell only goods, wares, and merchandise, and other productions of the growth or manufacture of this State, but not excepting venders of medicine, by whomsoever manufactured; and every bowling alley and every billiard table and every bagatelle table and every pool table, and every other table or gambling contrivance the object of which is

Subjects and amount of tax.

gain and for the use of which a charge is made, a tax not exceeding two hundred dollars, reserving the right to remove it or them at any time as a nuisance; on all keepers of eating-houses or restaurants, fish or meats, vegetables, or bread stands or fruiters, a tax not exceeding one hundred dollars per year; upon every company of circus riders who shall exhibit within the town or within one mile thereof, a tax not exceeding two hundred dollars for each day, the tax to be paid before the exhibition, and if not, to be doubled; upon every company or person exhibiting in the town, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope walking, tumbling, wire dancing, menagerie, a tax not exceeding one hundred dollars for every day they exhibit; upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the town or within one mile thereof, a tax not exceeding fifty dollars, to be paid in advance; upon each show or exhibition of any other kind, and on each concert for reward and on every strolling musician, a tax not exceeding twenty dollars, to be paid before exhibiting; on every four-horse omnibus, a tax not exceeding fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars; on every dray or express wagon drawn by one or two horses, a tax not exceeding twenty-five dollars (if drawn by more than two horses, a tax not exceeding fifty dollars); on all carriages, buggies, sulkies, and other vehicles used in the town for the carriage of persons, a tax not exceeding fifteen dollars; on every dog, a tax not exceeding ten dollars: *Provided*, that a discrimination may be made within this limit on the different species and sexes of dogs.

Jurisdiction of mayor.

Sec. 17. The mayor of Sharpsburg, in addition to the criminal jurisdiction conferred upon him by section two thousand nine hundred and thirty-four of the Revisal of one thousand nine hundred and five of North Carolina, shall have jurisdiction concurrent with the jurisdiction of a justice of the peace of any offense committed within one-half mile around and beyond the corporate limits of said town.

General law applicable.

Sec. 18. That the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, together with their amendments, are hereby declared to be not abrogated as to the town of Sharpsburg by this act; but this act, and each and every provision of the same, is declared to be in addition to and in aid of said chapter in its relation to the said town of Sharpsburg.

Sec. 19. That all laws and clauses of laws in conflict with the provisions of this act are repealed.

Sec. 20. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 453.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section thirty of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by adding at the end of said section thirty the following: "To appoint an auditor, whose duty shall be that of auditing all books, bills, and accounts on behalf of or against the city of Asheville, and shall perform any and all duties that said board of aldermen, from time to time, might prescribe; and shall audit monthly all books and accounts of every kind of the school committee of the city of Asheville, and shall from time to time, as required by the mayor and board of aldermen, make report of the same to said board of aldermen. Said board of aldermen shall elect said auditor at the same time that it elects the water superintendent and other officers, and his term of office shall be for a period of two years, unless for cause the board of aldermen may sooner discharge him. Nothing herein shall prevent the auditor holding also the office of city clerk."

Appointment and duty of auditor.

Monthly audits.

Reports.

Election and term.

Auditor may be city clerk.

Sec. 2. Amend section seventy-one, chapter one hundred of the Private Laws of one thousand nine hundred and one, by inserting between the words "sewer pipes" and the word "and," in line three of said section, the words "storm sewer pipes, and storm sewer culverts"; and by inserting between the word "sewer" and the word "shall," in line twenty-four of said section seventy-one, the words "storm sewer pipes and storm sewer culverts"; and by inserting between the word "street" and the word "in," in line twenty-five of said section the words "or anywhere else"; and by striking out the word "street" between the word "said" and the word "as," in line twenty-seven of said section, and insert in lieu thereof the words "sewer line, storm sewer line, or storm sewer culvert"; and by striking out the word "seven" between the word "of" and the word "freeholders," in line thirty-six of said section seventy-one, and insert in lieu thereof the word "six"; and by striking out the word "seven" between the word "of" and the word "persons," in line seventy-seven, and inserting in lieu thereof the word "six."

Storm sewer pipes and culverts.

Sec. 3. Amend section seventy-two of chapter one hundred, Private Laws of one thousand nine hundred and one, between the word "systems" and the word "and," in line five of said section, insert the words "storm sewer pipes and storm sewer culverts, or for any other purpose connected with the successful operation of such storm sewer system"; and by inserting between the word "system" and the word "said," in line eleven of said section

seventy-two, the following: "storm sewer system or systems"; and by inserting between the word "systems" and the word "and," in line seventeen of said section seventy-two, the words "such storm system or systems."

Sec. 4. Amend section sixty-five, chapter one hundred, Private Laws of one thousand nine hundred and one, by striking out the words "three months" between the word "within" and the word "thereafter," in line one hundred and sixteen of said section sixty-five, and insert in lieu thereof the words "thirty days." Limitation of new proceedings.

Sec. 5. Amend section one hundred and fourteen, chapter one hundred, Private Laws of one thousand nine hundred and one, by inserting between the word "macadamize" and the word "and," in line three thereof, the words "repave and repair." Repair of streets.

Sec. 6. Amend section one hundred and fifteen, chapter one hundred, Private Laws of one thousand nine hundred and one, by inserting between the word "paving" and the word "macadamizing," in line four thereof, the words "repaving, repairing"; by adding after the word "macadamize" in line twelve thereof the words "repaved and repaired." Repair of streets.

Sec. 7. Amend section fifty-four of chapter one hundred, Private Laws of one thousand nine hundred and one, by striking out all of said section fifty-four after the word "aldermen," in line five of said section, and adding in lieu thereof the following: "Taxes hereby authorized to be levied shall be due and payable on the first day of September of each year, and a discount may be allowed by the board of aldermen for the payment of all taxes during the said month of September of two per cent; during the month of October, one per cent; during the month of November, one-half of one per cent." Taxes due and payable. Discount for early payment.

Sec. 8. Amend section fifty-eight, chapter one hundred, Private Laws of one thousand nine hundred and one, by striking out the word "June" between the words "of" and "in," in line two of said section, and insert in lieu thereof the word "September." Lien on property for tax.

Sec. 9. Amend subsection three of section sixty-four, chapter one hundred, Private Laws of one thousand nine hundred and one, by striking out the word "fifty" between the word "exceeding" and the word "dollars," in line two, and insert in lieu thereof the words "one hundred." Tax on hotels and boarding-houses.

Sec. 10. That section sixty-four, chapter one hundred, Private Laws of one thousand nine hundred and one, be and the same is hereby amended by adding a section at the end thereof to be known as subsection twelve, as follows:

"Subsection 12. That each medical depository and licensed pharmacist or druggist who sells spirituous, vinous, or malt liquors as now allowed by law, upon the written prescription of a regularly licensed and practicing physician, shall pay a license fee to the city of Asheville not exceeding two thousand dollars per annum, to be paid semiannually in advance on the first day of Tax on license to sell liquors by druggists or depositories.

July and January of every year, one-half of said tax as may be charged by the mayor and board of aldermen to be paid at each payment. Every person desirous of engaging in said business in the city of Asheville shall apply to the board of aldermen at its first meeting in June and its first meeting in December in any year for a license to carry on such business, and said board of aldermen may grant said license, or may, for good cause connected with the character of such applicant, or for any other good cause, in the discretion of said board, deny a license to any such applicant, and the tax collector shall not issue any such license until such applicant has received favorable action by said board of aldermen authorizing the issue of such license. Each person applying for a license hereunder shall make his application in writing, addressed to the mayor and board of aldermen of said city, setting forth the location of the business, the name and number of the building and the street, the name or names of the owners of the business, also setting forth whether or not the applicant has ever been convicted of violating any of the liquor laws of the State of North Carolina or confessed his guilt of the same in open court, all of which shall be under the oath of said applicant; and said applicant shall further present to said board at the same time a petition of six freeholders of said city, who under oath shall certify to the character of said applicant, stating further that in their opinion such business carried on at said location is needed or will be of public benefit, none of whom shall have signed any other petition for that period of time for carrying on such business. Any such licensee having obtained such license from the city who shall within the period therein named, at any time, fail, neglect, or refuse to comply with any rule or regulation theretofore or within such period prescribed by said board of aldermen for the conduct, control, or regulation of such business, or shall violate any of the prohibition laws of the State of North Carolina, shall forfeit thereby such license, and upon such forfeiture being declared by said board of aldermen, such licensed pharmacist or druggist or medical depository shall no longer be entitled to engage in such business under such license, and shall not be entitled to have refunded any part of the license tax paid. Any person selling or aiding in selling, or offering for sale in said city any spirituous, vinous, or malt liquor, without a license as herein provided, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned not less than thirty days, and each sale shall constitute a separate and distinct offense. Nothing in this section shall have the effect of modifying or repealing chapter seventy-one, Public Laws, special session of one thousand nine hundred and eight, or other laws forbidding the sale of spirituous, vinous, or malt liquors."

Application.

Right to issue or refuse license.

Items to be stated in application.

Petition for license.

Forfeit of license.

Sales without license misdemeanor.

Punishment.

General law not affected.

Sec. 11. That section sixty-four, chapter one hundred, Private Laws of one thousand nine hundred and one, be and the same is

hereby further amended by adding a section at the end thereof to be known as subsection thirteen, as follows:

"Subsection 13. The mayor and board of aldermen of the city of Asheville are hereby authorized and empowered to pass necessary ordinances for the purpose of levying and collecting a sanitary tax or assessment against the owners or lessees of all improved real property within the limits of said city, and providing for the removal of garbage, night-soil, and all other waste and decaying matter from any such improved real estate in said city. Any such tax or assessment when levied against any improved property in said city becomes a lien against said property, and shall be collected in the same manner as all other taxes or assessments are collected by said city." Sanitary tax. Tax a lien on property.

Sec. 12. That section sixty-four, chapter one hundred, Private Laws of one thousand nine hundred and one, be and the same is hereby further amended by adding a section at the end thereof to be known as subsection fourteen, as follows:

"Subsection 14. The mayor and board of aldermen of the city of Asheville are hereby authorized and empowered to construct or build a crematory or incinerator and abattoir in or without the incorporate limits of said city, and to pay for the same either in cash or by issuing its notes or bonds." Crematory, incinerator, and abattoir.

Sec. 13. That section thirty-one, chapter one hundred, Private Laws of one thousand nine hundred and one, be and the same are hereby amended by adding after the words "finance committee," in line nine of said section, the words "and chairman of the sanitary committee." Board of health.

Sec. 14. Amend section ten, chapter two hundred and three, Private Laws of one thousand nine hundred and five, by inserting between the word "city" (and before the semicolon) and the word "to," in line seven of said section, the following: "and to regulate and inspect any and all slaughter-houses and the slaughtering of cattle, swine, and sheep anywhere in Buncombe County: *Provided*, any such cattle, swine, or sheep are slaughtered at any such slaughter-house for the purpose of being delivered for sale in the city of Asheville, or any such cattle, swine, or sheep killed at such slaughter-house shall be sold, or offered for sale, or delivered before or after sale in the city of Asheville." Regulation and inspection of slaughter-houses. Proviso: meats for sale in city.

Sec. 15. That section seventy of chapter one hundred, Private Laws of one thousand nine hundred and one, and section three of chapter nine, Private Laws of one thousand nine hundred and three, and section seven of chapter two hundred and five of Private Laws of one thousand nine hundred and eleven, be and the same are hereby repealed, and the following enacted in lieu thereof: "Whenever in the opinion of the board of aldermen it may be necessary, it shall be incumbent on the owner or owners of the land along any street in said city, or part of any street, to pay for the building, constructing, paving, repaving, and repairing the Owners of lots to pay for sidewalks.

sidewalk on their own side, respectively, the full width across their front, with such material and in such manner as the board of said city shall direct. When such land corners on two or more streets, the owner or owners thereof shall pay for the building, constructing, paving, repaving, and repairing the sidewalks on such streets along the front and side thereof, but the city of Asheville shall pay for one-half the cost of building, constructing, paving, repairing, and repairing such sidewalk for a frontage of fifty feet and depth or side of one hundred feet, and no more; the said board of aldermen be and it is hereby vested with the power of determining in any case upon what street any such corner lot fronts. That the mayor and board of aldermen of the city of Asheville shall have full power and authority and it is hereby made their duty to grade, construct, pave, repave, repair, and otherwise improve for travel the sidewalks on the public streets and otherwise properly improve them, and charge the cost of said grading, constructing, paving, repaving, repairing, or otherwise improving said sidewalk to the property abutting on the side of said street that is so improved: *Provided, however*, that the nature and kind of material used in such improvement shall be left absolutely to the discretion of the board of aldermen in all cases."

Lots on corners.

Work done by city and charge on abutting property.

Proviso: discretion of aldermen.

Assessment of cost.

Sec. 15a. That in order to more fully carry out the duty imposed by section fifteen hereof, the said mayor and board of aldermen shall assess all cost of the grading, constructing, paving, repaving, repairing, and otherwise improving said sidewalk, as well as the cost of all cross-drains and walls necessitated on account of said grading or otherwise improving said sidewalk, to the real property abutting on the side of the street on which said sidewalk is constructed.

Cost estimated and prorated.

Sec. 15b. That to equalize the assessments on real estate abutting on said sidewalk for the cost of its construction, the mayor and board of aldermen shall estimate, or cause to be estimated, the total cost of such improvement made throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting on the side of the street on which said sidewalk is graded, constructed, paved, repaved, or repaired, or otherwise improved in proportion to the frontage of the sidewalk or portion thereof so improved, and charge and assess upon the real estate on the side of the street upon which the sidewalk is so constructed, paved, repaved, repaired, or otherwise improved its pro rata share of the entire cost of such improvement made under the provisions of this chapter. Whenever the said mayor and board of aldermen shall order the grading, construction, paving, repaving, repairing, or other improvements to be made on any sidewalk or any part thereof in said city, they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots on said sidewalk or the portion thereof so proposed to be improved,

Surveys and grading.

Map.

showing the exact frontage of each lot, and the said map shall be filed in the office of the city clerk, subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties abutting on the sidewalks as herein provided, the said city clerk shall write upon the map the amount assessed against each lot, and he shall keep a properly indexed record book showing such assessments, liens, and the date and amount of all payments made on any of said assessments and liens. That the amount of assessments for such sidewalk improvements as hereinbefore provided, being estimated on each piece of real estate as above directed, shall become a lien on such real estate from the commencement of the work for which they are charged, and the said mayor and board of aldermen shall cause the city engineer to make a survey and report of the amount of the work done and the cost thereof upon the sidewalk or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot, and the pro rata shares of such cost of said sidewalk improvement to be assessed against such real estate; and upon the adoption and approval of such report the liens authorized herein shall become complete and operative, and said report shall be transcribed upon the minutes of the board of aldermen, and the amount of said liens and of said assessments against all property abutting on said sidewalk as aforesaid shall become due and payable, as follows, to wit: One-third in thirty days after the adoption of said report, and the balance in two equal annual installments, which deferred payments shall bear interest at the rate of six per cent per annum from the date of the approval of said report until paid; and upon the filing of said report the mayor and board of aldermen shall cause ten days notice to be given by publication in some newspaper published in the city of Asheville, stating that such report has been filed in the office of the city clerk, and that at the first regular meeting of the board of aldermen to be held after the expiration of said ten days notice, the said mayor and board of aldermen would consider said report, and if no valid objections be made thereto, the same would be adopted and approved by said mayor and board of aldermen. Any owner of land affected by any lien for sidewalk assessments shall have the right to be heard concerning the same before the said board of aldermen by filing objections thereto in writing, duly verified by his oath, in the office of the city clerk, at least two days prior to the first meeting of the board of aldermen, at which time said report may be approved and confirmed, but not thereafter; and any person so objecting to the confirmation or approval of said report shall state in said objections in writing that part, if any, of said assessments he admits to be lawfully charged to his land, and what part he disputes; and said board shall hear said objections and shall thereafter approve and confirm said report and overrule said objections, or modify and correct said report in

Assessments entered on map.

Indexed record book.

Assessment a lien on real estate.

Survey and report of engineer.

Record of report.

Assessments payable.

Notice of filing report.

Objections filed.

Hearing on objections.

such manner as to make the same correspond with the true intent and meaning of this act.

Former law made part of section.

Sec. 15c. And that the true intent of sections fifteen, fifteen (a) fifteen (b) hereof may be more fully carried out, all of section one hundred and seventeen of chapter one hundred, Private Laws of one thousand nine hundred and one, after the word "act," in line forty-three of said section one hundred and seventeen, be and the same is added hereto and made a part hereof.

Law not applicable.

Sec. 16. That section two of chapter four hundred and one of the Private Laws of one thousand nine hundred and five shall in no way apply to the provisions of this act.

Sec. 17. That all laws and clauses of law inconsistent or in conflict with this act are hereby repealed.

Sec. 18. That this act shall be in force and effect from and after the date of its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 454.

AN ACT RATIFYING AND APPROVING THE ISSUANCE OF BONDS BY THE BOARD OF ALDERMEN OF THE TOWN OF BELHAVEN.

The General Assembly of North Carolina do enact:

Preamble: bond issue approved by election.

Section 1. Whereas, by chapter two hundred and twenty-five, Private Laws of one thousand nine hundred and seven, ratified March first, one thousand nine hundred and seven, the board of aldermen of the town of Belhaven, Beaufort County, were authorized and empowered to issue bonds to an amount not exceeding twenty thousand dollars for certain purposes recited in section one of the said act, first submitting the issuance of same to a public election as provided in section four thereof, which said election was duly called and held, and a majority of the registered voters of said town voted in favor of the issuance of said bonds,

Record defective.

but the said board of aldermen neglected to spread upon their

Preamble: partial issue of bonds.

minutes the proper entry and record thereof; and whereas the said board of aldermen have heretofore issued fifteen thousand dollars of said bonds, the last issue of five thousand dollars having been used in the erection of a town hall, and desire to issue the remainder of five thousand dollars of said bonds for other public

Bonds declared valid.

purposes as recited in section one of the said act: Now the former issues of ten thousand dollars and five thousand dollars of said bonds, respectively, are hereby declared to be good and valid, and the same are hereby ratified.

Further issue authorized.

Sec. 2. That the board of aldermen of the town of Belhaven are hereby authorized and empowered to issue the remainder of five

thousand dollars of said bonds at any time they may find a purchaser for same, at not less than par, for the purposes recited in section one of the said act, or such part of the same as they may deem necessary.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 455.

AN ACT TO CHANGE THE TIME FOR HOLDING CERTAIN ELECTIONS TO AMEND THE CHARTER OF THE CITY OF MONROE.

Whereas the General Assembly of one thousand nine hundred and thirteen of North Carolina has passed "An act to amend the charter of the city of Monroe," and has also passed "An act to amend the charter of the city of Monroe by adopting the initiative, referendum, and recall"; and whereas both acts call for an election on the first Monday in April, one thousand nine hundred and thirteen; and whereas both of said acts should have called said elections on the third Tuesday in April, one thousand nine hundred and thirteen: Now, therefore,

Preamble: acts heretofore passed.

Preamble: date for election.

The General Assembly of North Carolina do enact:

Section 1. That the time for holding the election for the city of Monroe for the purposes of submitting to the qualified voters of said city certain amendments to the charter as are embodied in two acts of the General Assembly of one thousand nine hundred and thirteen, entitled "An act to amend the charter of the city of Monroe" and "An act to amend the charter of the city of Monroe by adopting the initiative, referendum, and recall," wherein the date for submitting said amendments to the qualified voters is fixed for the first Monday in April, one thousand nine hundred and thirteen, be and the same is hereby changed to the third Tuesday in April, one thousand nine hundred and thirteen, so that the elections provided for in said acts shall be held on the third Tuesday in April, one thousand nine hundred and thirteen, instead of the first Monday in April, one thousand nine hundred and thirteen.

Time for election changed.

Sec. 2. That this act shall be in full force and effect from and after ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 456.

AN ACT TO AUTHORIZE THE ALDERMEN OF MONROE TO USE THE CITY PRISONERS VIOLATING CITY ORDINANCES.

The General Assembly of North Carolina do enact:

Imprisonment in city prison.

Section 1. That it shall be lawful for the aldermen of the city of Monroe, if they think it expedient, to cause all persons arrested for violations of the ordinances of the city of Monroe to be imprisoned in the prison or "lock-up" of the city of Monroe until their case shall be tried and disposed of by the court having jurisdiction, and the same fees for the imprisonment shall be allowed as are allowed the jailer of Union County.

Jail fees.

Sec. 2. This act shall be in force from and after the date of its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 457.

AN ACT TO AMEND CHAPTER 72 OF THE PRIVATE LAWS OF THE SESSION OF 1899, BEING "AN ACT TO INCORPORATE THE TOWN OF SYLVA, NORTH CAROLINA," AND ACTS AMENDATORY THEREOF, AND TO PROVIDE FOR AN ISSUE OF BONDS AND LEVY OF TAX.

The General Assembly of North Carolina do enact:

Election on bond issue authorized.

Section 1. That the commissioners of the town of Sylva shall have the power and are hereby authorized by resolution of their said board to call an election of the voters of said town to be held at such time as said board by resolution may fix to authorize the issue of the bonds of said town in a sum not to exceed fifteen thousand dollars, to be of such denominations and to mature at such time, not exceeding thirty years from date of issue, and bearing such interest not exceeding six per centum per annum, payable annually, both principal and annual interest on said bonds payable at such time and place as in said resolution may be fixed, to be styled "Bonds of the Town of Sylva," the proceeds of the sale of which bonds shall be used in purchasing a site or sites for the public buildings of Jackson County, and in paying any sum subscribed to the construction of a courthouse and jail in the town of Sylva; and that those favoring such bonds shall vote a printed or written ballot having thereon the words "For Bonds," and those opposing the issue of bonds shall vote a ballot having printed or written thereon the words "Against Bonds"; that the same ma-

Amount.

Denominations and maturity.

Interest.

Style of bonds.

Use of proceeds.

Ballots.

Law governing election.

chinery provided in said charter of the town for the election of its commissioners shall apply and govern in this election, and the result shall be ascertained and declared in the same manner as that for the election of commissioners of said town. That for the purpose of paying the annual interest and creating a sinking fund for the redemption of such bonds, the commissioners of said town shall, annually, after the issue of any bonds hereunder, levy on the property therein not exceeding fifty cents on the one hundred dollars valuation and not exceeding one dollar and fifty cents on each poll, observing the constitutional equation, and amounts raised by such tax shall be applied first to the payment of annual interest, and any surplus may by resolution of the commissioners be applied to a sinking fund, and which said taxes shall be collected as other taxes for said town and under the same penalties.

Special tax.

Limit of rate.

Constitutional equation.

Sinking fund.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 458.

AN ACT FOR THE RELIEF OF ELIZABETH FRAZIER, WIDOW OF RHODES H. FRAZIER, A CONFEDERATE VETERAN, COMPANY K, FIFTY-FIFTH REGIMENT, NORTH CAROLINA TROOPS.

Whereas, Rhodes H. Frazier, late of Granville County, a member of Company K, Fifty-fifth North Carolina Troops, lost his arm at the battle of Gettysburg on July third, one thousand eight hundred and sixty-three, and was placed on the pension roll in the second class; and whereas the said Rhodes H. Frazier died in the spring of one thousand nine hundred and twelve, leaving his widow, who is over eighty-three years old, and on the first Monday of July, one thousand nine hundred and twelve, the day on which application for pension should have been made, and for a long time before and after, was confined to her bed by sickness, and failed to make application for a pension: Now, therefore,

Preamble: wound at Gettysburg.

Preamble: death of husband, sickness of widow.

The General Assembly of North Carolina do enact:

Section 1. That the name of the said Elizabeth Frazier be placed on the pension roll of the State, and that the State Auditor be directed to issue to said Elizabeth Frazier a pension warrant for the sum of thirty dollars, and that the Treasurer of the State be authorized and directed to pay said warrant out of any money remaining on hand of the pension fund.

Name placed on pension roll.

Auditor to issue warrant.

Treasurer to pay warrant.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 459.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF LINDEN, IN THE COUNTY OF CUMBERLAND."

The General Assembly of North Carolina do enact:

Section 1. That an act entitled "An act to incorporate the town of Linden, in the county of Cumberland," passed at this session of the General Assembly and ratified the eighth day of March, one thousand nine hundred and thirteen, be and the same is hereby amended by adding after section nine of said act a new section to be numbered section nine and a half, and to read as follows:

Jurisdiction of mayor and police.

"Sec. 9½. The jurisdiction of the mayor and police of said town as to criminal offenses shall extend one-half mile in each direction from the corporate limits of said town."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 460.

AN ACT TO COMPROMISE, ADJUST, AND SETTLE THE INDEBTEDNESS OF THE UNIVERSITY TO THE ESTATE OF THE LATE PROF. H. H. SMITH.

Preamble: indebtedness.

Whereas the University of North Carolina is justly indebted to the estate of the late Prof. H. H. Smith for services rendered and money advanced to the University in a sum of money, including interest, amounting to over six thousand dollars ($6,000), evidenced by bonds dated the first day of January, one thousand eight hundred and sixty-seven, which bonds are signed by Jonathan Worth, Governor and *ex officio* chairman of the board of trustees of the University, and countersigned by Charles Manly,

Preamble: payments.

treasurer of the trustees of the University; and whereas no part of any of said bonds has been paid except the sum of sixteen dollars and thirty-one cents, as part interest, on eighth of September, one thousand eight hundred and eighty-three, and the sum of eight dollars and sixty-one cents, as part interest, on July the

Preamble: no property available.

twenty-first, one thousand eight hundred and eighty-four; and whereas the University of North Carolina has no income or property not necessary for its use which can be applied to the settle-

Preamble: resolution requesting payment.

ment of said debt; and whereas the board of trustees of the University of North Carolina has unanimously passed a resolution

finding that the bonds were issued for a just indebtedness, and has recommended and requested the payment of said bonds by the State; and whereas Mrs. H. H. Smith, wife of the late Prof. H. H. Smith, is now the owner of said bonds, and Walter Clark, Jr., is attorney for said Mrs. H. H. Smith; and whereas the said Mrs. H. H. Smith is anxious to secure a settlement of said indebtedness on some just and equitable basis: Now, therefore,

Preamble: owner and attorney.

Preamble: owner anxious for settlement.

The General Assembly of North Carolina do enact:

Section 1. The State Treasurer of North Carolina is hereby empowered, authorized, and directed to pay to Walter Clark, Jr., attorney for Mrs. H. H. Smith, wife of Prof. H. H. Smith, deceased, five hundred dollars ($500), in full satisfaction and discharge of said indebtedness, upon the delivery to said State Treasurer of the eight bonds issued to the late Prof. H. H. Smith by the trustees of the University of North Carolina, said bonds being numbers forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, signed by Jonathan Worth as Governor and *ex officio* president of said board of trustees, and countersigned by Charles Manly, treasurer of the said board.

Payment authorized.

Amount.

Full discharge.

Sec. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 461.

AN ACT TO INCORPORATE THE FIVE-CENT UNION BANK AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. This is to certify that S. A. Smith, J. D. Diggs, James S. Lanier, R. W. Brown, A. J. Christian, J. W. Paisley, John A. Blum, F. M. Fitch, W. S. Scales, Thomas Busic, J. C. Alexander, H. L. Roberts, Spencer Trent, James T. Grant, C. L. Price, J. E. Mimbrough, J. J. Jones, J. S. Fitts, A. R. Bridgers, and C. O. Dee, their associates, successors, and assigns, are hereby constituted and declared a body politic and corporate under the name of The Five-Cent Union Bank and Trust Company, and as such shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and to use a common seal, to make, alter, or amend such by-laws as may be necessary or expedient for carrying out the purpose and design of the corporation, not inconsistent with the laws of the State or the United States.

Corporators.

Incorporation.

Corporate name.

Corporate powers.

Sec. 2. The principal office and place of business of this corporation shall be in the city of Winston-Salem, Forsyth County, North

Principal office.

Branch offices.

Carolina, and the corporation shall have the right to establish branch offices and places of business at such other points in North Carolina or in the United States or any of its dependencies

Local boards.

as the board of directors may from time to time agree upon, and a local board of directors and other officers and agents may be elected at such branch offices and places of business, and such directors, officers, and agents may take immediate control of such branch offices and places of business and manage the same in the manner provided by the by-laws of this corporation.

General banking powers.

Sec. 3. This corporation shall have the power to do a general commercial and savings banking business; to receive deposits as small as five cents, or any other small amount, and hold the same subject to check; to discount promissory notes or sight or time drafts drawn against actual existing values; receive saving deposits and pay interest thereon, not exceeding the legal rate,

Notice of withdrawal.

reserving the right, however, to demand thirty days notice of withdrawal of saving deposits; and to conduct a general banking business with both the commercial and savings features, and with all the rights, privileges, and powers consistent with the laws of the State of North Carolina and incident to the carrying on of a general commercial savings banking business.

Loan brokers.

Sec. 4. Said corporation shall have power to obtain and procure loans for any person, company, corporation, or partnership, and charge and receive such compensation therefor as may be agreed

Investments.

upon; to invest or loan its own money or any money in or upon the security of mortgages, pledges, or deeds of trust upon any land, hereditaments, or interest therein of any description, situated anywhere, or to lend or invest money in or upon the security of bonds, shares, notes, debentures, or other securities of any State of the United States or any county, city, or town; to lend money upon, purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable and commercial paper, or any stock, bullion, merchandise, or other personal property, or to buy, own, sell, or otherwise dispose

Interest.

of the same, and to charge any rate of interest upon such loans, not exceeding the legal rate of interest upon such loans, not ex-

Discount.

ceeding the legal rate, and to retain such interest in advance, or collect the same at any time agreed upon between said corporation

Costs of collection.

and the borrower, and in event any debtor fails to pay off and discharge his indebtedness when due, said corporation may exact and collect such sum, with legal interest and reasonable costs

Agent, factor, or trustee.

incurred in such collections. Said corporation shall have power to act as agent, factor, or trustee for any county, town, or municipal corporation or company or individual on such terms as to the agency or compensation as may be agreed upon, in registering, selling, countersigning, collecting, acquiring, holding, buying, dealing in and disposing of, on account of any State, municipal corporation, private corporation, company or persons, bonds, certifi-

cate of stock of any description, or property, real or personal. Said corporation shall have power and authority to become surety on the bond of any State, county, or town official, or on the bond of any guardian, trustee, or natural person, or on bonds or undertakings of all kinds in any court of justice, as fully as natural persons may do. Said corporation may act as receiver, trustee, administrator, executor, commissioner, or guardian of a minor or of a lunatic or insane person, and the compensation and accounts of said corporation in such fiduciary capacity shall be regulated and settled in the manner prescribed by law. And said corporation may receive deposits from married women and minors and open accounts with them in their own names, whether for investment or otherwise, and when any deposit shall be made in the name of any minor or married woman, the said corporation may deal with said minor or married woman in reference thereto as though he or she were *sui juris* and under no disability, and payment made to such married woman or minor, on her or his receipt, check, draft, or acquittance, or payment to such persons, company, firm, or corporation, or the assignee of such, as shall present the check drawn against such deposit, shall be a valid and sufficient discharge to said corporation for such deposit, and any interest thereon as may be drawn and paid. Said corporation shall have power to do a general collecting business in the way of collecting accounts of all kinds, receiving a stipulated compensation for its services, and also to buy and sell real estate, either on its own account or for others on a commission, or other compensation agreed upon. And said corporation shall have the power to act as the agent of and underwriters for fire, life, tornado, marine, wind, hail, accident, horse and lighting insurance companies, and insurance companies of all kinds; and to engage in a general real estate business, and generally said corporation shall have power to perform all acts which may be deemed necessary or expedient for the successful and proper prosecution of the objects and purposes for which it is created.

Surety company.

Power to act as fiduciary.

Deposits of married women and minors.

Collecting business.

Dealings in real estate.

Insurance agents.

Real estate business.

Sec. 5. The total authorized capital stock of this corporation is one hundred and twenty-five thousand dollars ($125,000), divided into five thousand shares of twenty-five dollars each, but the corporation may organize and begin business when twelve thousand five hundred dollars ($12,500) of the authorized capital stock, composed of five hundred shares, have been subscribed for and two thousand dollars paid in.

Capital stock.

Minimum.

Sec. 6. The period of existence of this corporation shall have power, by a majority vote of all the directors, and without the assent or vote of the stockholders, to make, alter, amend, or rescind the by-laws of this corporation.

Corporate existence.

By-laws.

Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 462.

AN ACT TO AMEND THE CHARTER OF SWAN QUARTER FISH AND OYSTER COMPANY.

The General Assembly of North Carolina do enact:

Name changed.

Section 1. That the Swan Quarter Fish and Oyster Company shall hereafter be known under the name and style of Swan Quarter Mercantile Company.

General mercantile business.

Sec. 2. That in addition to the powers granted in the original charter, the said corporation shall have full power and authority to conduct a general merchandise business, including the buying and selling of fertilizers and lime, horses, mules, and vehicles, farming implements and machinery, and to transact such other matters that will further the legitimate interest of said corporation.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 463.

AN ACT TO AMEND CHAPTER 226, PRIVATE LAWS OF THE GENERAL ASSEMBLY, SESSION 1907, RELATIVE TO MADISON GRADED SCHOOL DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and twenty-six of the Private Laws of the General Assembly, session nineteen hundred and seven, be and the same is hereby amended by adding at the end of section two of said act the following: "*Provided*, that not less than five taxpayers or qualified voters in said district may petition the board of county commissioners of Rockingham County at any time within one year after the passage of this act for a change in the boundary line of said district. Upon petition of the said taxpayers or qualified voters being filed with the board of county commissioners, the said board of commissioners shall order a hearing of said matter and set a special day for said hearing, and said board shall, through its clerk, notify all persons interested in said matter, by publishing the same in some newspaper published in Rockingham County for twenty days prior to said date of hearing, and shall likewise cause a notice to be served by the sheriff on some member of the board of trustees of the Madison Graded School. Said board of commissioners shall also cause notice to be given to the chairman of the board of education of Rockingham County, notifying said chairman of said

Proviso: petition for change of line.

Hearing on petition.

Notice of hearing.

board of education of the time said hearing is set. It shall be the duty of the chairman of the board of education of Rockingham County to call a meeting of said board of education to meet with the board of county commissioners at the time and place set for said hearing. It shall be the duty of all members of the said board of education to appear on said day and sit with the board of county commissioners in the hearing and determination of said matter. The chairman of the board of commissioners shall be chairman of said meeting and each member of the board of education and board of commissioners shall have equal voice in said matter. The said joint board shall hear all parties interested desiring to be heard upon said matter, and if it shall appear to said joint board that the petitioners are entitled to relief in said matter, the said joint boards of commissioners and education are hereby authorized and empowered to make such changes in the boundary lines of said school district as may seem to them just and proper, having due regard for the welfare of the school and the rights of all citizens of the said school district, as well as other parties interested or concerned. When said joint board shall have heard and determined said matter, the findings of said joint board shall be spread upon the minutes of the board of county commissioners, as well as a copy upon the minutes of the board of education; and if the said joint board shall make any changes in the lines of said district, thereafter the boundary lines of said district shall be in accordance with the judgment of said joint board; and the trustees of said school district and all other persons interested shall be bound by the findings of said joint board, and no tax thereafter shall be levied for said school district upon any persons or property except that subject to taxation under the boundary lines laid out and designated by said joint board. In the event that said joint board refuses to make any changes in the boundary lines of said school district, then the law relative to said school district shall be in full force and effect as it was prior to the passage of this act: *Provided*, that not more than one hearing may be had before said board under the provisions of this act. If either side shall so demand, the said board may order a survey and map made of said district, the expense of same to be met by the parties asking same."

Board of education to sit with commissioners.

Chairman of meeting. Votes.

Hearing.

Finding on hearing.

Record of findings.

Effect of finding.

Proviso: only one hearing.

Survey and map.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 464.

AN ACT TO INCORPORATE STEWARTSVILLE CEMETERY ASSOCIATION.

Preamble: ancient cemetery.

Whereas, in Stewartsville Township, county of Scotland, in the State of North Carolina, there is a very large cemetery or graveyard, known as Stewartsville Graveyard, in which there are a great many graves of very distinguished persons, some of the very oldest graves in this section; and whereas the said graveyard has for many years been neglected because of the fact that there is no one whose duty it is to look after the same; and whereas there is a desire in that section that the same shall be properly cared for: Now, therefore,

Preamble: continued neglect.

Preamble: desire for care.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That H. C. McQueen, William McQueen, A. J. McKinnon, Hector McLean, William Black, W. H. McLaurin, John M. McCormick, John D. McCallum, J. P. Wiggins, A. W. McLean, James P. McRae, A. McL. McRae, H. W. Malloy, Daniel McKenzie, and D. A. Patterson be and they are hereby created a body politic under the name of Stewartsville Cemetery Association.

Incorporation.

Corporate name.

Power to receive and convey property.

Sec. 2. That this corporation is hereby vested with power to receive by gift, purchase, deed, or otherwise all such real and personal property as may be necessary for the purposes of this act, and said corporation may convey by deed or otherwise real or personal property.

Common seal.

Officers.

Sec. 3. This corporation may have a common seal, and shall have for its officers a president, one or more vice presidents, a secretary and a treasurer, and such other officers as to it may seem proper.

Corporate powers.

Sec. 4. This corporation is hereby granted all such powers as may be necessary to manage a cemetery, and may make all such rules and regulations as to it may seem best in regard to the burial of bodies and the perpetuation and maintenance of the said cemetery, and shall have all such other and further powers as may be necessary to manage, control, enlarge, curtail, improve, continue, and perpetuate the same.

Meeting of corporators.

Advertisement of meeting.

Sec. 5. The incorporators named herein, or any five of them, shall meet in the town of Maxton, State aforesaid, after two weeks advertisement in some newspaper published in Laurinburg and in Maxton for two weeks prior to said meeting; said notice shall state the hour and place of said meeting, and having so met, may organize under this charter, and may associate with them such other persons as they may deem proper, make by-laws, and do such other and further acts as may be necessary for putting in effect this charter.

Organization.

By-laws.

Sec. 6. Any person who shall injure or deface the tombstones, monuments, or other property belonging to this corporation shall be guilty of a misdemeanor. Injuring or defacing tombstones or property misdemeanor.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 465.

AN ACT TO EMPOWER THE BOARD OF EDUCATION OF ROBESON COUNTY TO CHANGE THE BOUNDARY LINES OF SPECIAL SCHOOL TAX DISTRICT, No. 7, IN STERLING'S TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That the board of education of Robeson County is hereby fully empowered to change the boundary lines of Special School Tax District, Number Seven, as designated and laid out in chapter twenty-four of the Public Laws of North Carolina, session of one thousand nine hundred and nine. Change of boundary.

Sec. 2. That the said board of education of Robeson County is hereby empowered to change the boundary line of the "Oakton" Special School Tax District in Robeson County and to make the canal in Little Indian Swamp the east boundary of said Oakton District; and if said boundary is so changed, said board of education is hereby empowered to change the location of the schoolhouse from where it is now located and erect a schoolhouse in the corporate limits of the town of Proctorville. Change of boundary. Location and erection of schoolhouse.

Sec. 3. That all laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 466.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE TOWN OF MARION TO ISSUE BONDS FOR IMPROVING AND ENLARGING THE GRADED SCHOOL," RATIFIED THE 1st DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

Section 1. That section one of an act entitled "An act to authorize the town of Marion to issue bonds for improving and

enlarging the graded school," ratified on the first day of March, one thousand nine hundred and thirteen, be amended by adding to the end of said section the following words, to wit: "*Provided*, that any election held under the provisions of this act shall be held and conducted as provided in section ten, chapter two hundred and ninety-one of the Private Laws of one thousand nine hundred and nine."

Proviso: law governing election.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 467.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Chapel Hill as contained in chapter two hundred and eighty-three of the Private Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by substituting for the words "upon merchandise, a tax not exceeding ten dollars a year," found in section fifty, Schedule B, line eleven, the following words: "Upon merchandise, a tax not exceeding ten dollars a year; and upon all persons, firms, or corporations, or the soliciting agents of such persons, firms, or corporations, engaged in the tailoring business, selling clothing, gents' furnishings or shoes to the consumer from sample, a tax not exceeding ten dollars a year."

Merchants and agents.

Sec. 2. That section fifty-two of the said charter be and the same is hereby amended by substituting for the words "not exceeding ten dollars a year," as found in said section, line fifteen, the following words: "not to exceed twenty-five dollars a year."

Miscellaneous business.

Sec. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 468.

AN ACT TO INCORPORATE THE TOWN OF HAYESVILLE IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Hayesville in the county of Clay be and is hereby incorporated by the name and style of "The Town of Hayesville," and it shall be subject to all the provisions of law now existing in relation to incorporated towns.

Town incorporated.
Corporate name.
General law applicable.

Sec. 2. The corporate limits and boundaries of the town shall be as follows: Beginning at the forks of the road at the M. E. Church and running with said road so as to include the old Methodist Cemetery, with said road by J. W. Swanson's, thence along the southern line of the McConnell farm to Hiawassee River; thence down the river to the northern line of the Lou Hancock dower; thence with the said line to the top of the Hancock Mountain; thence with the meanders of said mountain to W. H. McClure's line; thence to the line of Paul M. Scroggs' lot; thence with Paul Scroggs' west line, crossing the public road and including the Episcopal Church property; thence a straight line to the beginning. Corporate limits.

Sec. 3. That the officers of said town shall consist of such officers as the commissioners shall deem necessary for the enforcement of the town laws and ordinances. That the said commissioners shall elect a town clerk and a treasurer when the town government is organized, and annually thereafter on the first Monday in May, and shall have power to fill all vacancies occurring from death or resignation, and also to remove all officers of the town on account of incompetency or failure to do their duty during the current year preceding the town election on the first Monday in May. That S. E. Hogsed be and he is hereby appointed mayor of said town; that P. N. Tiger, John O. Scroggs, and Early Anderson are appointed commissioners for said town, and that Frank McClure is appointed town marshal, said officers to hold office until the first Monday in May, one thousand nine hundred and fourteen; and thereafter said officers shall be elected by the people annually on the first Monday in May of each year. Town officers. Town clerk and treasurer. Officers named. Term of office. Town elections.

Sec. 4. That the said commissioners shall exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under chapter seventy-three, entitled "Towns," of the Revisal of one thousand nine hundred and five, and all laws amendatory thereto; and the said commissioners shall have power to pass all by-laws and ordinances necessary for the government of the town, and to impose and collect all fines and penalties for the violation of the town ordinances. Exercise of corporate powers and duties. By-laws and ordinances. Fines and penalties.

Sec. 5. That all fines collected in said town shall be paid to the town treasurer, and shall be expended for the benefit of the town as the town commissioners shall direct. Fines for benefit of town.

Sec. 6. That the said town commissioners shall have power to work upon the public streets all persons who shall fail to pay any fines imposed upon them, at the rate at which such work is usually done, and said commissioners are hereby empowered to pass such ordinance as shall be necessary to carry into effect this section. Street work in payment of fines.

Sec. 7. That the mayor of said town shall receive the fees paid justices of the peace for similar services, and that the town marshal shall receive the fees allowed to sheriffs for similar services. Fees of mayor and marshal.

Mayor to preside and break ties.
Mayor pro tem.

Sec. 8. That the mayor of said town shall preside at all town meetings, but shall have no vote except when there is a tie, in which case he shall cast the deciding vote. In the absence of the mayor, the board of commissioners shall elect one of their number mayor *pro tem.*, who shall preside at such meeting, after taking the prescribed oath.

Mayor to be sworn.
Form of oath.

Sec. 9. That the mayor of said town, before assuming the duties of his office, shall make and subscribe the following oath before some justice of the peace: "I, ..., do solemnly swear that I will perform, to the best of my ability, the duties of the office of mayor, and that I will enforce the laws and ordinances of the town of Hayesville: so help me, God."

Taxing power.
Poll tax.
Property tax.

Sec. 10. That for the purpose of raising funds for the purposes of the town government the said commissioners shall have power to levy and collect the following taxes: Seventy-five cents poll tax of each male inhabitant over twenty-one years old, within said incorporation, and a property tax of not less than ten cents nor more than thirty cents on the one hundred dollars worth of property within said town limits.

Induction into office.
Body corporate.
Corporate powers.

Sec. 11. That on Thursday after the first Monday in May of each year the said commissioners and the said mayor shall be inducted into office, after taking the oath of office as prescribed by law, and shall constitute a body corporate, and shall have a corporate seal, and shall have power to sue and be sued.

Registrar and judges of election.

Sec. 12. That at least thirty days before the first Monday in May of each year the mayor and commissioners of said town shall appoint a registrar and two judges of election to hold the town election, which shall be held under the same rules and according to the law governing general county and State elections.

Powers as to public streets and squares.
Nuisances.
Health and sanitation.

Sec. 13. That the commissioners shall have power to open any closed or obstructed streets, and to remove any obstruction from the public square or from the public streets established by the original survey of said town, or to open any new streets not inconsistent with the laws of the State; and they shall also have power to improve any of the streets, sidewalks, alleys, or squares within the corporate limits of said town. They shall also have power to suppress all public nuisances in the town, and to pass laws necessary to the public health and sanitation of the town, and all other laws necessary to the government of said town.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 469.

AN ACT TO INCORPORATE THE WACO GRADED SCHOOL DISTRICT IN CLEVELAND COUNTY AND AUTHORIZE IT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Waco graded school district.

Section 1. That the territory now lying within the corporate limits of the town of Waco in the county of Cleveland, in the State of North Carolina, and the territory contiguous and adjacent thereto, embraced in White School District, Number Thirty, be and the same is hereby created a special school district to be known as the Waco Graded School District.

Board of trustees. Appointment. Incorporation.

Sec. 2. The said district shall be under the control and supervision of a board of trustees consisting of five members, who shall be appointed by the board of education of Cleveland County, and said board shall be a body corporate to be known as the Board of Trustees of Waco Graded School District.

Bond issue authorized. Amount. Denomination. Interest. Maturity.

Sec. 3. That said board of trustees is authorized and empowered to issue bonds of said graded school district to an amount not exceeding five thousand dollars, of such denominations as the said board of trustees may deem advisable, the said bonds to bear interest from date at the rate of six per cent per annum, with interest coupons attached, payable annually, and said bonds shall fall due and be payable thirty years from the date thereof.

Expenditure of proceeds.

Sec. 4. The proceeds arising from the sale of said bonds shall be expended by the board of trustees in providing a suitable building or buildings for school purposes in said district, and for furnishing the same with all necessary equipment.

Election on bond issue and tax.

Sec. 5. Before this act goes into effect there shall be submitted to the qualified voters of said graded school district, at an election to be held in the town of Waco on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, a question as to whether or not the said bonds shall be issued and a tax levied to pay the interest on the same and create a sinking fund. Thirty days notice of said election shall be given in some newspaper published in Cleveland County, and in all other respects the said election shall be held and conducted under the provisions of the law governing regular municipal elections; and the board of commissioners of the town of Waco are authorized and directed to appoint the necessary election officers, registrars, and judges of election; and the said commissioners shall order a new registration for the purposes of said election. At said election those in favor of the issue of said bonds and the levy of said taxes shall deposit a ballot containing thereon the written or printed words "For School," and those who shall be opposed to the same shall deposit a ballot containing thereon the written or printed words "Against Schools."

Notice of election. Law governing election. Election officers. New registration. Ballots.

Special tax.

If a majority of the qualified voters shall vote "For Schools," then the board of commissioners of Cleveland County shall annually levy a sufficient tax to pay the interest on said bonds and to create a sinking fund, not to exceed twenty-five cents on the one hundred dollars worth of property and seventy-five cents on the poll. The said taxes shall be collected as all other similar taxes, and shall be paid to the treasurer of the board of trustees of Waco Graded School District, to be by him disbursed in accordance with the provisions of this act and under order of the board of graded school trustees.

Limit of rate.

Collection and settlement.

Control and supervision.

Sec. 6. In all respects not inconsistent with the provisions of this act said Waco Graded School District shall be under the control and supervision of the board of education of Cleveland County and the superintendent of public instruction of said county and the State Superintendent of Public Instruction.

Sale of bonds below par forbidden.

Authentication.

Sec. 7. The bonds herein authorized to be issued shall not be sold for less than par. They shall be signed by the chairman of said board of trustees of Waco Graded School District, and witnessed by its secretary.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 470.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF TOISNOT TO ISSUE BONDS IN THE SUM OF $10,000 FOR THE CONSTRUCTION AND MAINTENANCE OF A WATER AND SEWERAGE SYSTEM IN SAID TOWN.

Preamble: town without water and sewerage.

Whereas the town of Toisnot, in the county of Wilson, is without proper water and sewer facilities; and whereas it is to the interest of the health and comfort of said citizens that said town shall be equipped with a complete water and sewer system as early as possible; and whereas same is a public necessity to said town: Now, therefore,

Preamble: public necessity.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of aldermen of the town of Toisnot be and the same are hereby authorized, empowered, and directed to issue the bonds of said town in the name of the town of Toisnot, North Carolina, in such denominations and forms as it may determine, and to an amount not to exceed the sum of ten thousand dollars, payable twenty years after the date of issuance thereof and at such places as the board of aldermen may prescribe. The said bonds shall bear interest at the rate of six per cent per annum from the date of issuance, said interest to be payable semiannually, and to be so expressed upon the face of

Denomination and form.

Amount.

Maturity.

Interest.

said bonds. The said bonds may be either registered or coupon or partly registered and partly coupon, and all other matters in detail connected with the issue of said bonds may be prescribed by the board of aldermen of said town. The said bonds when issued shall be signed by the mayor and by the town clerk, and the seal of the town shall be attached thereto. The issue of said bonds is hereby declared to be a lawful exercise of power of the town of Toisnot, and the purposes for which issued are hereby declared to be a municipal necessity. There shall be levied and collected each year upon the taxable property and polls of said town for the purpose of paying the interest and creating a sinking fund for the ultimate payment of said bonds annually a tax of not more than thirty cents on each taxable poll and not more than ten cents on each one hundred dollars worth of taxable property. Out of the moneys so collected the interest shall be paid as it becomes due, and the balance remaining of said taxes shall be invested in the sinking fund, the purpose of which is to ultimately pay off the said bonds; and the board of aldermen are hereby authorized to invest the said money in any of the bonds so issued or in other securities which they may consider most advantageous to said town.

Authentication.

Issue municipal necessity.

Special tax.

Limit of rate.

Payment of interest.

Investment of sinking fund.

Sec. 2. That the bonds issued under this act shall be for the sole purpose of erecting, constructing, equipping, establishing, operating, and maintaining a waterworks and sewerage system to supply the citizens of the town of Toisnot with water and to properly drain and carry off the sewerage of said town.

Purpose of bond issue.

Sec. 3. That the clerk of the town of Toisnot shall provide a record in his office in which shall be entered and kept the names of all purchasers of said bonds and the number and amount of the bonds purchased, and also a record of the bonds redeemed, together with the date of their redemption, and the bonds and coupons when redeemed shall be recorded as redeemed and canceled, and the record of said redemption and cancellation shall be made.

Record of bonds.

Sec. 4. That before selling said bonds the board of aldermen of the town of Toisnot shall advertise the same for thirty days immediately preceding day of sale in some newspaper published in Wilson County and such other papers as in their discretion they may deem best, giving the time and place where bids will be opened for the sale of said bonds and the terms upon which said bonds are issued: *Provided*, that the said board of aldermen shall have the right in their discretion to reject any and all bids for said bonds. That the proceeds arising from the sale of said bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated for the purpose of building and equipping a proper water supply and sewer system for said town, and the board of aldermen shall cause the treasurer of the town to open and keep separate ac-

Advertisement of sale.

Proviso: right to reject bids.

Proceeds kept as separate fund.

Separate accounts.

Bond of treasurer. counts of said funds, and shall require the said treasurer to give bond for the faithful performance of his duties in respect to said

Collection of tax. fund in such sum as the said board may determine. That the taxes levied hereunder shall be collected as all other town taxes.

Water and sewer regulations. Sec. 5. The said board of aldermen of the town of Toisnot is hereby authorized and empowered to make and adopt such rules and regulations with respect to the introduction of water and sewerage in and upon the premises of the citizens of said town and from time to time to regulate the same in such manner as may seem to it necessary and proper; and for the purposes of

Power to condemn land. fully carrying into effect the provisions of this act, said board of aldermen are hereby given and granted all of the rights and powers as are now exercised or may hereafter be exercised under the general law of the State of North Carolina governing the condemnation of rights of way for railroads, for the purpose of condemning such property as may be necessary to carry into effect the provisions of this act.

Election on bond issue. Sec. 6. That the said board of aldermen of the town of Toisnot shall not issue said bonds or any part thereof until it has first caused to be held in said town of Toisnot a public election to

Date for election. ascertain whether said bonds shall be issued, which said election shall be held on the twenty-ninth day of April, one thousand nine hundred and thirteen, or on such day thereafter as may be fixed by the said board, after thirty days notice by advertisement and

Question submitted. notices posted in said town. That at said election there shall be submitted to the qualified voters of said town the question of issuing said bonds herein provided for or not issuing said bonds.

Law governing election. That said election shall be called, held, and conducted as near as may be in accordance with the general election law of the State of North Carolina, covering the election of members of the

Ballots. General Assembly. That at said election those who favor the issuance of said bonds and the levying and collecting of the taxes herein provided for shall vote a ballot on which shall be written or printed the words "For Waterworks and Sewerage Bonds," and those who are opposed to the issuing of said bonds and levying and collecting said taxes shall vote a ballot on which shall be written or printed the words "Against Waterworks and Sewer-

Act effective on majority of vote cast. age Bonds." That if a majority of the votes cast at said election shall be in favor of the issuance of said bonds, then all of the powers and duties herein conferred upon the board of aldermen of the town of Toisnot shall at once become effective, and it shall be its duty to at once carry into effect the provisions of this act.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 471.

AN ACT TO AUTHORIZE THE TOWN OF RAEFORD TO ISSUE BONDS IN THE SUM OF $5,000 FOR STREET IMPROVEMENT, AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS BY TAXATION.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That for the purpose of improving the streets of the town of Raeford, the said town, through its board of town commissioners, is hereby authorized and empowered to issue bonds of said town not to exceed the sum of five thousand dollars, to draw a rate of interest not to exceed six per centum per annum, and to mature at such time or times and to be payable at such place or places as the said board of town commissioners may determine.

Amount.

Interest.

Use of proceeds.

Sec. 2. That the proceeds of said bonds shall be used by the said board of town commissioners for the purpose of improving the streets of said town.

Special tax.

Sec. 3. That the said board of town commissioners are hereby authorized and empowered to levy annually on property and polls a special tax of sufficient sum to pay the interest on said bonds as it becomes due and the principal at maturity.

Sale of bonds.

Sec. 4. That the said board of town commissioners shall sell said bonds in such manner as they may deem best, at either public or private sale.

Election to be ordered.

Sec. 5. That for the purpose of ascertaining the wishes of the voters in said town upon the question of issuing said bonds and of levying a special tax as provided for in this act, the said board of town commissioners shall order an election to be held in said town on a day certain, and shall duly advertise said election for at least thirty days immediately preceding said day certain, and shall order a new registration of voters in said town for the purposes of the election. At said election all persons qualified to vote therein shall be entitled to vote a printed ticket. Those who favor the purpose of this act shall vote a ticket with the words "For Street Improvement" printed thereon, and those who oppose the purpose of this act shall vote a ticket with the words "Against Street Improvement" printed thereon; and if a majority of the voters of said town who are qualified to vote in said election shall vote "For Street Improvement," then said bonds shall be issued and sold and said special tax shall be levied as hereinbefore provided; otherwise, said bonds shall not be issued and said special tax shall not be levied.

Advertisement of election.

Tickets.

Effect of election.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 472.

AN ACT TO AMEND CHAPTER 114, PRIVATE LAWS OF 1911, BEING AN ACT TO ESTABLISH A GRADED SCHOOL DISTRICT IN JONESBORO, LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and fourteen, Private Laws of one thousand nine hundred and eleven, section one, be amended so as to read as follows, and to include the following boundaries, comprising the Jonesboro Graded School District, viz.: "Beginning at a gum tree, Bryant's crossing across the Seaboard Air Line Railway, thence up the Seaboard Air Line Railway to a point about four hundred yards beyond Mrs. Jeanson's place; thence west straight line to the Lee County courthouse; thence to a stake in the public road near the Niven Ray place; thence in a direct line to and including the farm of Lee Watson; thence direct from Lee Watson's to and including Bettie Campbell's; thence in a direct line to the Meyers place, now owned by Evander Truelove; thence in a straight line to and including the lands of N. McKoy Dalrymple; thence in a straight line to the beginning."

Boundaries.

Election on special tax and bond issue.

Sec. 2. That an election shall be held in the said school district to submit to the qualified voters thereof the question of levying a special tax in the said school district for the support of the school and for the purpose of submitting to the qualified voters the question of issuing bonds to an amount of ten thousand dollars ($10,000) for the purpose of constructing and equipping a graded school building in said district, which election shall be held at such time and place as may be determined upon by the commissioners of Lee County, and called by them. The persons residing in the said school district hereinafter provided for who shall be entitled to vote for members of the General Assembly shall be entitled to vote at said election. The county commissioners shall give thirty days notice by posters at four public places in said school district of the time and place of holding the said election. The board of commissioners shall also appoint a registrar and two judges of election for the purpose of holding said election, according to the laws now or hereafter enacted for the election of members of the General Assembly. The registration books shall be open ten days before the election, and the registrar shall give them ten days notice of the time and place of registration by notices posted in four public places in said school district. Separate boxes shall be provided for the balloting upon the question of the special school tax and upon the question of issuing bonds for the construction of the graded school building. The polls shall be kept open from sunrise to

Voters.

Notice of election.

Election officers.

Registration.

Notice of registration.

Separate boxes.

Hours of voting.

sunset, and at its conclusion the registrar and judges of election shall count the votes, declare and certify the result to the Register of Deeds of Lee County. At said election those favoring the levying of a special school tax shall vote a ballot upon which shall be written or printed the words "For Special Tax," and those opposing shall vote a ballot upon which shall be written or printed the words "Against Special Tax." Those favoring the issuing of bonds for the construction of the graded school building shall vote a ballot upon which is written or printed the words "For Bonds," and those opposing shall vote a ballot upon which is written or printed the words "Against Bonds." Count of votes and certificate of result. Ballots.

Sec. 3. If a majority of the qualified voters of said district at said election shall vote for the special school tax, the commissioners of Lee County shall levy the said special tax for the maintenance of the school, as heretofore provided in chapter ....., Private Laws of one thousand nine hundred and eleven; and if at said election the majority of the qualified voters of the said district shall vote for bonds, the commissioners of Lee County shall issue bonds for the construction of the graded school building and provide a sinking fund for the payment of the same, as heretofore provided for in chapter one hundred and fourteen, Private Laws of one thousand nine hundred and eleven. Effect of election.

Sec. 4. That no person residing within the boundaries of said school district shall be required to pay said tax whose children are not allowed by law to attend said graded school. Persons exempt from tax.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 473.

AN ACT TO PROVIDE FOR FIRE DRILLS IN THE PUBLIC SCHOOLS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That there shall be, at least one time in every week during the school term of each year, a fire drill in each of the public schools in the city of Wilmington. Weekly fire drills.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 474.

AN ACT TO EXTEND THE TIME FOR THE COMMENCEMENT OF THE WORK ON THE SOUTHPORT, NORTHERN AND WESTERN RAILROAD COMPANY FOR TWO YEARS FROM AND AFTER MARCH 8, 1913.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and three of the Private Laws of one thousand nine hundred and five be amended by striking out section twenty-four and inserting in lieu thereof the following:

Time for beginning of work.

"Sec. 24. That unless the work be commenced under this charter within two years from and after the eighth day of March, one thousand nine hundred and thirteen, then this charter shall become null and void."

Sec. 2. That said chapter as amended herein be and the same is hereby reënacted.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 475.

AN ACT TO INCORPORATE PLEASANT GROVE BAPTIST CHURCH, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That Pleasant Grove Baptist Church of Yancey County, North Carolina, be and the same is hereby incorporated

Corporate name.

under the name and style of the Pleasant Grove Baptist Church,

Corporate powers.

and by that name may acquire, hold, and convey real and personal property, sue and be sued, adopt a common seal, plead and be impleaded in any courts of the State, and have a continued succession for ninety-nine years.

Election of trustees.

Sec. 2. That immediately after the ratification of this act there shall be elected by the members of said church nine trustees, who shall carry out all the provisions of this act, such as the conveyance of property for said corporation and such other powers as are incident hereto.

Drunkenness and disorderly conduct misdemeanor.

Sec. 3. That any person found drunk or disorderly within one mile of said church shall be guilty of a misdemeanor, and fined or imprisoned as provided for in a separate act of this General Assembly relating to Yancey County.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 476.

AN ACT TO REPEAL AN ACT OF THE GENERAL ASSEMBLY, RATIFIED MARCH 5, 1913, BEING AN ACT TO AMEND CHAPTER 82, PRIVATE LAWS OF 1901, ENTITLED "AN ACT TO CHANGE THE NAME OF THE TOWN OF UNION CITY TO ASHPOLE AND TO AMEND THE CHARTER THEREOF."

The General Assembly of North Carolina do enact:

Section 1. That an act of the General Assembly ratified March fifth, one thousand nine hundred and thirteen, being "An act to amend chapter eighty-two, Private Laws of one thousand nine hundred and one, entitled 'An act to change the name of the town of Union City to Ashpole and to amend the charter thereof,'" be and the same is hereby repealed. Law repealed.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 477.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE TOWN OF MARION TO ISSUE BONDS FOR IMPROVING AND ENLARGING THE GRADED SCHOOL," RATIFIED THE 1st DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

Section 1. That section one of an act entitled "An act to authorize the town of Marion to issue bonds for improving and enlarging the graded school," ratified on the first day of March, nineteen hundred and thirteen, be amended by adding to the end of said section the following words, to wit: "*Provided*, that any election held under the provisions of this act shall be held and conducted as provided in section ten, chapter two hundred and ninety-one of the Private Laws of nineteen hundred and nine." Law governing elections.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 478.

AN ACT TO CHANGE AND PERMANENTLY LOCATE THE BOUNDARY LINE OF MOUNT PISGAH SCHOOL DISTRICT IN BARBECUE AND UPPER LITTLE RIVER TOWNSHIPS, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the boundary line of Mount Pisgah School District in Barbecue and Upper Little River townships, Harnett County, shall be as follows: Beginning at Rosser's Bridge on Upper Little River, thence with the public road to M. A. McFarland's on the Swann's Station and Lillington Public Road; thence with said road to the McDonald Road; thence with said McDonald Road to the McDonald Bridge place on Upper Little River; thence up said river to the mouth of McLellan's Creek; thence up said creek to its junction with Laban's Branch; thence up said branch to its source; thence in an easterly direction to the Lillington and Jonesboro Public Road; thence with said road to the Harnett and Lee County line; thence with said county line to the public road leading from Rosser's Bridge to Jonesboro via F. M. P. McLeod's residence; thence with said public road to Rosser's Bridge, to the beginning.

Lands not included.

Sec. 2. That the lands and chattels of Jane McNeill shall not be included in the bounds described in the aforesaid school district.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 479.

AN ACT TO AMEND CHAPTER 662 OF PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE TOWN OF WEST ASHEVILLE IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Sections repealed and offices vacated.

Section 1. That sections two, four, six, seven, eight, ten, eleven, twelve of said act be and the same are hereby repealed, and the offices created by the said act are hereby declared vacant.

Sanitary board.

Sec. 2. That the chairman of the board of county commissioners of Buncombe County, or vice chairman of said board, or temporary chairman of said board, if the chairman is for any reason unable to perform his duties as such chairman, together with J. D. Penland, John McElroy, Doke Hall, and J. U. Jarrett, shall constitute the sanitary board of the district mentioned in section one of

this act, and shall be known and designated as West Asheville Sanitary Board; that the parties heretofore designated as members of said board, other than the chairman of the board of county commissioners, shall be duly and regularly elected on the first Tuesday in May of the year one thousand nine hundred and thirteen, and the first Tuesday in May every two years thereafter, and any vacancy occurring shall be filled by said board. Election of numbers.

Sec. 3. That the said West Asheville Sanitary Board shall have the immediate care, responsibility, and supervision of all matters and things relating to the welfare and health and comfort of the inhabitants living within the boundaries of said sanitary district, and shall have the power and authority to make and promulgate such rules and regulations and ordinances in relation thereto as may be necessary to obtain such purposes, and to secure the enforcement of any such rules, regulations, and ordinances. Matters within purview of board.

Sec. 4. They shall have the power and authority, among other things, as follows: To inspect or have inspected all farm and dairy products offered for sale within said district, and the right to condemn and destroy the same if they are hurtful or injurious to the health or welfare of the inhabitants of said district; have the right, authority, and power to examine, regulate, and inspect and compel persons owning and controlling the same to put them in proper condition, all water supplies, sewers, drains, cesspools, closets, privies, stables, hogpens, slaughter-houses, wells, springs, plumbing, and all such like things and instrumentalities within said district; to have charged the expenses incident thereto against the property upon which said work is done, and the same to be a lien thereon, which may be filed before a justice of the peace by the sanitary board and be collected in the manner and way provided for the collection of judgments; to have the right and power to fix and establish the location, establishment, and maintenance of hospitals for persons suffering with tubercular, infectious, or contagious diseases; to provide proper quarantine regulations; to locate the establishment of buildings in which is stored powder, dynamite, or other explosives; to fix, establish, and regulate the price at which water shall be sold by any person, persons, or corporations engaged in furnishing water to the inhabitants of said district; to regulate and supervise the laying of all water pipes and mains by any person, persons, or corporations in and through the said district; to make such rules and regulations and ordinances as may be necessary to suppress crime and lawlessness; to secure the enforcement of all rules, regulations, ordinances by prescribing fines and penalties for the infraction thereof; to appoint such officer or officers as may be necessary for the proper enforcement of said rules, regulations, and ordinances, and such officers shall be and are vested with the power of a constable for the purpose of making arrests and carrying out and enforcing such rules, regulations, and ordinances. Inspection of farm and dairy products. Water supplies and other things and instrumentalities. Expenses lien on property. Hospitals. Quarantine. Explosives. Water rates. Waterworks. Ordinances. Appointment of officers. Powers of officers.

Punishment for violation of ordinances.

Sec. 5. That a justice of the peace shall have jurisdiction of the violation of any of the rules, regulations, and ordinances prescribed by said sanitary board, and any person, upon conviction for a violation of any such rules, regulations, and ordinances, shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days. That any person convicted may appeal from the judgment of said justice to the Superior Court of Buncombe County as now prescribed for appeals from justices.

Right of appeal.

Levy and collection of tax.

Sec. 6. That it shall be the duty of the board of county commissioners to levy an annual tax of not more than fifteen cents on hundred dollars valuation of the property, real and personal, subject to the general taxation, and fifty cents on the poll of each person subject to poll tax, within the said district, which tax shall be collected by the county tax collector as other taxes are collected, and turned over to the sanitary board for use in carrying out the purposes of this act and in the administration of the affairs of said sanitary district, and the same shall be used for such purposes and no other.

Use of tax.

Voters.

Sec. 7. That at election for the members of said sanitary board only the persons living within said district duly and properly qualified as electors shall have the right to vote.

Franchises to water and sewer companies.

Location of water lines.

Sec. 8. The said West Asheville Sanitary Board shall have full right to grant any franchise to water company or companies for the purpose of water supply or otherwise for the said inhabitants of West Asheville; sewer or sewer lines to be placed upon any roads or streets of the said sanitary district, and shall have full right and power to regulate the location of said water lines or mains in the said sanitary district.

Inspection of watershed and water supply.

Sec. 9. The said sanitary board of West Asheville are authorized and empowered to designate some competent person, who shall be a licensed physician, to inspect the watershed or watersheds supplying water to the inhabitants of the said sanitary district; to inspect the wells and springs or other sources supplying water used by the inhabitants of said district, whose duty it shall be to report to said sanitary board of West Asheville all conditions which may or are calculated to cause sickness.

Inspection of foodstuffs.

Sec. 10. That the said sanitary board of West Asheville is authorized to appoint or designate a competent person or a licensed physician to inspect any and all food or foods offered for sale in said sanitary district, and upon said officer finding that the food so offered for sale is unhealthy and unwholesome, it shall be his duty to report same to said sanitary board, which said board is authorized to regulate or condemn same. It shall be unlawful to sell or offer for sale in said sanitary district any article to be used for food, or furnish any water or milk to be used for food or drinking purposes in said sanitary district, which shall be unwholesome or unhealthy or impure. That any firm, person, or

Sale of impure or unwholesome stuff forbidden.

Violation of section misdemeanor.

corporation violating any provision of this section shall be guilty of a misdemeanor, and for each offense shall be fined a sum not exceeding fifty dollars or imprisoned for not more than thirty days. Punishment.

Sec. 11. That the said sanitary board of West Asheville is authorized and empowered to regulate, control, or condemn any water supplies of West Asheville and have the general supervision of same. Regulation and condemnation of water supplies.

Sec. 12. That the said physician or health officer provided for in the preceding section or sections hereof is hereby authorized and fully empowered to enter upon any premises of any person either within or outside the said sanitary district of West Asheville and make inspection and to have with him such persons as he may designate to assist him in making said inspection, and any person, firm, or corporation refusing to admit said health officer or physician so designated to enter upon the premises, or refuse to allow him to inspect any articles of food offered by him for sale, or shall interfere with him in the performance of his duty, shall be guilty of a misdemeanor, and for each offense shall be fined not exceeding fifty dollars or imprisoned for not more than thirty days. Entry on premises for inspections. Refusal of entrance misdemeanor. Punishment.

Sec. 13. This act to be in full force and effect from and after its ratification.

Ratified this 6th day of March, A. D. 1913.

CHAPTER 480.

AN ACT TO CHANGE THE FREE SCHOOL DISTRICT AT CARBONTON, N. C., KNOWN AS CARBONTON DISTRICT, No. 9.

The General Assembly of North Carolina do enact:

Section 1. That the school district established in and by chapter seventy-six of the Public Laws of one thousand nine hundred and three be and the same is hereby changed in its boundary lines so as to exclude from said district all that portion of its territory that now lies in Moore County, so that the call after the semicolon after the words "line," in line twenty of section one, instead of saying "thence with the Evans line to Mrs. Ben Taylor's line," etc., shall read after the said semicolon as follows: "thence with the Evans line to the Moore County line; thence with the Moore County line to Deep River; thence up Deep River to the mouth of the Lake Branch, the beginning." Territory excluded. New lines.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 481.

AN ACT FOR THE RELIEF OF THE LINCOLNTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Town to pay school debt.

Section 1. That the board of aldermen of the town of Lincolnton are hereby authorized, empowered, and directed to assume and pay off out of any funds now in the treasury of said town or which may hereafter come into said treasury, not otherwise appropriated, the present indebtedness outstanding against the trustees of the Lincolnton Graded School District in the sum of eight thousand nine hundred dollars, together with the accrued and unpaid interest thereon, as evidenced by note or notes heretofore executed by said board of trustees to the town of Lincolnton in the sum of six thousand dollars, and two notes executed by said board of trustees of the Lincolnton Graded School District to the First National Bank of Lincolnton in the sum of two thousand nine hundred dollars.

Amount.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 482.

AN ACT TO ALLOW THE SCHOOL COMMITTEEMEN OF DISTRICT No. 1, MONROE TOWNSHIP, GUILFORD COUNTY, NORTH CAROLINA, TO PURCHASE SCHOOL BOOKS FOR FREE USE BY THE PUPILS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina do enact.

Use of surplus funds for purchase of books.

Section 1. That out of the funds now in hand or which may hereafter be raised in Brightwood School District, No. 1, Monroe Township, Guilford County, by local taxation and by funds appropriated for said district for school purposes under the law, after maintaining and keeping and continuing the public school in said district for a period of six months in each year, or for any additional period that may be now or hereafter required by law, the school committeemen in said district may use any surplus remaining from such fund to purchase school books for the use of the pupils of said school district, said books to be held under the supervision and direction of the said committee, and used by the pupils of said school district under such conditions as may by rules of said committee be prescribed.

Conditions for use of books.

Sec. 2. That the use of any such fund for such purpose heretofore used is hereby declared to be lawful, and the same is ratified and approved, and any money advanced for said committee for the payment of books purchased under their order or direction by any individual may be returned out of such surplus school funds, and any action by said school committee in the repayment of such amounts so advanced is hereby authorized and approved. Use of fund declared lawful. Payment of debts.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 483.

AN ACT TO AUTHORIZE JACKSON SPECIAL SCHOOL TAX DISTRICT OF NORTHAMPTON COUNTY TO ISSUE BONDS AND TO PROVIDE FOR THE LEVYING OF A SPECIAL TAX TO PROVIDE FOR THE PAYMENT OF SAME.

The General Assembly of North Carolina do enact:

Section 1. That the board of county commissioners of Northampton County are hereby required, upon the petition of one-fourth of the qualified voters of Jackson Special School Tax District of Northampton County, to hold an election in the said district upon the question of issuing bonds of said district, not exceeding in amount the sum of five thousand dollars, for the purpose of paying off the debt on the present school building and for acquiring additional grounds adjacent to the school grounds on which such building is located, and for the purpose of paying the interest on such bonds and providing a sinking fund to retire same at maturity, and to provide for the levying of an annual special tax not exceeding fifteen cents on the one hundred dollars worth of taxable property and forty-five cents on the taxable polls in said Jackson Special School Tax District. County commissioners to order election. Question to be voted on.

Sec. 2. That the election provided for by this act shall be held at the usual voting place in said district, and at such time during the next two years as the board of county commissioners of said Northampton County may designate, under the rules and regulations governing general elections, as nearly as may be, and for said election there shall be a new registration. At said election those qualified voters who are in favor of the bond issue and special tax herein provided for shall vote a written or printed ballot containing the words "For School Bonds and Special Tax," and those opposing shall vote a written or printed ballot containing the words "Against School Bonds and Special Tax." Time and place for election. Law governing election. New registration. Ballots.

Sec. 3. That in the event a majority of the qualified voters of said Jackson Special School Tax District, at said election, shall Bond issue.

cast their ballots "For School Bonds and Special Tax," the board of county commissioners of Northampton County are hereby authorized and directed to issue such bonds for and in the name of said Jackson Special School Tax District, not to exceed in amount five thousand dollars, payable not more than thirty years after the date of issue and bearing interest not exceeding six per cent per annum, interest being due and payable annually; and said board of county commissioners are hereby empowered to issue said bonds in such denominations as shall be advantageous to their sale, which said bonds shall be executed by the chairman of said board of county commissioners, attested by the secretary or clerk of said board, and shall have the common seal of said board attached thereto, and said bonds shall not be sold at less than par. The proceeds arising from said issue and sale of bonds shall belong to and be a part of the public school funds of said school district, to be kept and accounted for by the treasurer of said Northampton County as other public school funds, but only to be used for the purposes set forth in section one of this act.

Amount.
Maturity.
Interest.
Denominations.
Authentication.
Sale below par forbidden.
Specific appropriation.

Special tax.

Sec. 4. That for the purpose of paying the interest on the bonds herein provided for, and for the purpose of establishing a sinking fund for their payment at maturity, the said board of county commissioners shall levy annually the necessary taxes herein provided for, which taxes shall be collected as the other special school taxes in said district, and the same commissions shall be allowed for collecting the same.

Collection and commissions.

Sec. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 484.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS BY THE TOWN OF ANDREWS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Construction of plants authorized.

Section 1. That for the purpose of supplying a sufficient quantity of electricity for lighting the streets and for the use of the inhabitants and incidentally other customers of the town of Andrews, the board of aldermen of said town are hereby authorized to construct one or more hydro-electric plants, of such size and capacity as the board may find to be proper. Any of said plants that may be hereafter constructed shall be located at such places as may appear to the board to be best for the public interest, whether in or outside the corporate limits of said town, and whether in or outside of Cherokee County, it being the intent of this act to authorize the construction of one electric plant now, and additional

Location.

plants from time to time, as and when the board may decide that the public interest requires that additional electric current be provided for lighting the streets of said town and for sale to customers for lighting, heat, power, and other uses.

Extension and enlargement of plant.

Sec. 2. Any electric plant and its appurtenances owned by the town of Andrews may be enlarged or extended at any time, by the use of the same authority herein granted for the construction of a new electric plant.

Purchase of land.

Sec. 3. The board of aldermen are hereby authorized and empowered to purchase and hold any lands or interest therein needed for the purposes authorized by this act. Also all tools, machinery, and material needed for the construction, operation, and maintenance of any electric plant and its appurtenances. When any land or right of way in the opinion of the board of aldermen shall be needed for sites for storage reservoirs and ponds; for sites for intakes, dams, power houses, buildings, and other structures; for pipe lines, flumes, canals, tunnels, or ditches for conveyance of water; for transmission lines, conduits, and roads, and for any other purpose desirable to be used in connection with the foregoing; and any timber, earth, or stone needed for construction or repairs, including properties held by the owners (but not including other municipalities), for water-power sites, and properties either partly or wholly developed for that purpose, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken by the board of aldermen at a valuation to be made by a jury composed of three freeholders of the county where the land or property sought to be condemned is situated, said freeholders to be appointed by the board of aldermen of said town, but not more than one of the same to be a resident or taxpayer of said town. In making such valuation, the jury, after being sworn by an officer qualified to administer oaths, to do justice to all parties, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or rights of way or building material being surrendered, also any benefit or advantage such owner may receive by construction of such electric plant or its appurtenances, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of aldermen, under their hands and seals, which report, on being confirmed by the board of aldermen, and having been spread upon their minutes, shall have the effect of a judgment against said board of aldermen in their corporate capacity for the land or rights of way or building material so taken. Either the landowner or the board of aldermen, if dissatisfied with the valuation thus made, shall have sixty days thereafter in which to appeal to the Superior Court of Cherokee County, and if no appeal be taken within said time, then all parties interested shall be held to have consented to the valuation named in said report: *Provided*, that any such appeal, if

Tools, machinery, material.

Power to condemn land.

Valuation of land.

Considerations governing assessment.

Report to have effect of judgment.

Right of appeal.

Proviso: appeal a to amount only.

taken, shall be only as to the valuation of said property, and no judgment shall be entered against the board of aldermen to the effect that said property, or any interest therein, shall not be taken for public use by the board: and *Provided further*, that the pendency of any such appeal shall not hinder nor delay the board of aldermen from taking said lands or rights of way or material, and proceeding with the construction of said plant or any appurtenances connected therewith.

Proviso: appeal not to delay work.

Water rights included.

Sec. 4. Any property, or interest therein, acquired as provided in the preceding section, shall include the right and power for the board of aldermen to take, use, and divert the water from the streams thereon, without the obligation of returning said water to its usual channel. Any riparian owner below where water is diverted and not returned to its usual channel, who may consider himself aggrieved by such diversion, may present his claim to the board of aldermen, and if no agreement can be had thereon, the damage claimed shall be investigated and the amount thereof fixed, if any be found to be due, by a jury, as provided in section three of this act, and either party may appeal therefrom to the Superior Court of Cherokee County.

Rights of riparian owners.

Assessment of damages.

Changes of roads, bridges, and railways.

Sec. 5. Whenever, in the opinion of the board of aldermen, it shall become necessary or desirable to change or relocate any public road, bridge, public or private railroad or tramroad, in order to avoid interference with any electric plant or its appurtenances, under construction or in process of enlargement, the board of aldermen are hereby authorized to acquire the necessary rights of way, in the manner set forth in section three of this act, with the right of appeal therein stated, and said board may make the changes authorized in this section at the expense of the town, and may thereafter use the old rights of way of said roads or bridges for the purpose desired by the board, and authorized by this act: *Provided*, that the new road, bridge, tramroad, or railroad shall be as near as may be practicable of an equal grade and quality as the former road, except as to length.

Expense of changes.

Proviso: new roads, bridges, and railways.

Entry on land for survey.

Sec. 6. The board of aldermen, its engineers and employees, shall have the right to enter upon the lands of any person and make such surveys or examinations as they may deem proper. Any person who shall obstruct or interfere with the board of aldermen, its engineers or employees, when making any survey or examination of property, or who shall obstruct or interfere with any of its engineers, employees, or its contractors and their employees, during the construction, operation, or repair of any plant, or its appurtenances, or roads or bridges herein authorized, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars for each offense or be imprisoned not more than thirty days, or both, in the discretion of the court.

Obstructing work a misdemeanor.

Punishment.

Sec. 7. The board of aldermen shall have the right and power to acquire, in the manner set forth in section three of this act, the water now used or intended to be used for any flume for the transportation of forest products; or used or intended to be used for mining purposes; or used or intended to be used for mills or factories, and where any water-power mill or factory may be in actual operation, it shall be sufficient compensation to the owners for the taking thereof for the board to install in said mill or factory one or more electric motors of the same capacity as the water wheels then in use, and for the board thereafter to furnish a sufficient amount of electric current to drive said motors. The board may thereafter, if motors have been installed, remove the same, and if motors and current be not furnished as aforesaid, due compensation shall be made to the owners in money for the taking of said water, as provided in section three of this act: *Provided*, that if the owner of said water or water rights be paid in money for the taking thereof, he shall thereafter have the right to require the board of aldermen to furnish him with electric power sufficient to operate his mill or factory at the same price and upon the same terms as the board may supply other customers using a similar quantity of power.

Acquirement of water rights.

Compensation to owners, by furnishing power.

Compensation if power is not furnished.

Proviso: right of owner to demand power.

Sec. 8. The size, capacity, cost, and location of any storage reservoir, intake, pond, dam, power house, or other buildings and structures, transmission lines, pipe lines, or other means of conveying water, roadways, the quantity of land taken, and the estate therein, whether the fee or any lesser interest, shall be and remain within the discretion of the board of aldermen, and their actions and decisions in the exercise thereof shall not be subject to review, except for fraud, which must be clearly shown by any one alleging the same.

Size, capacity, cost, and location.

Decision of aldermen subject to review for fraud only.

Sec. 9. The board of aldermen are hereby authorized to sell electric current, and deliver the same to the customer's residence or place of business, whether inside or outside of said town, and at such uniform prices and terms, and upon such uniform conditions, as the board may deem just and proper, taking into consideration the quantity and purpose of use and distance of transmission. The board of aldermen may require any and all customers to sign contracts for the purchase of electric current, and where any customer may desire to use more than fifty horse-power, for a longer period than one year, the board may, in its discretion, require the customer to execute a bond, with sufficient surety, to be approved by the board, conditioned that the customer will take and pay for the amount of electric current specified in the contract, during the whole term thereof, whether used or not.

Sale of current.

Contract.

Bond for performance.

Sec. 10. The board of aldermen are hereby authorized to let the construction of any electric plant or any part thereof to contract, or they may have the same constructed under the supervision of skilled engineers, superintendents, and foremen, and the board of

Alternative methods of work.

Bonds from contractors and employees.

aldermen may, in its discretion, require bonds from contractors or employees, conditioned upon the faithful performance of all duties required or obligations assumed.

Bond issue authorized.

Sec. 11. For the purpose of paying the necessary expenses of the board of aldermen which may be incurred in the acquirement of the property, rights of way, and material, and for the cost of construction of one or more electric plants and their appurtenances, the board of aldermen are hereby authorized to issue, from time to time, as the same may be required, coupon bonds for the town of Andrews, sufficient for the purposes aforesaid.

Order for bond issue.

Sec. 12. That before bonds are issued for the purposes aforesaid, the board shall pass an order fixing the amount, the date of issue, and the time to run, and the time and place where the interest coupons and principal shall be made payable, and record the same in their minutes.

Authentication.

Sec. 13. That said bonds shall be signed by the mayor and countersigned by the clerk of said town, and shall have the corporate seal of the town impressed thereon. The interest coupons attached to the said bonds shall be signed by a printed or lithographed facsimile of the signature of the mayor. A record of all said bonds shall be kept in the minutes of the board of aldermen, showing the date of issue and maturity, the denomination, the place where payable, the rate of interest, and such other particulars as the board may direct.

Record of bonds.

Special tax.

Sec. 14. In order to pay the interest on said bonds when due, and the principal at maturity, or when called in for payment, the board of aldermen are hereby authorized and directed to levy annually a special tax on all taxable property and polls in said town, which will be sufficient, when added to the net income from the sales of electric current, to pay said interest and principal when the same shall respectively become due.

Bonds subject to call.

Sec. 15. The first issue of bonds hereunder shall be subject to call by the board of aldermen, for payment in whole or in part, after ten years from their date. Prior to the expiration of said ten years, the board may use any surplus revenue derived from the sales of electric current, after paying interest, operating and maintenance charges, for the reduction of other town taxes, or for other expenses of said town, including the maintenance of any public school located therein.

Use of surplus revenue.

Maturity of bonds.

Sec. 16. Any subsequent issue of bonds herein authorized, after the first issue, may be caused to mature serially, or all at the same time, and may be subject to call for payment before maturity, at the option of the board, all of which matters shall be as ordered by the board and recorded in their minutes, and be stated on the face of each bond.

No obligation on purchasers of bonds.

Sec. 17. No holder of any of said bonds shall be required to see to the application of the proceeds of the sale thereof.

Sec. 18. The board of aldermen are hereby authorized to pay a reasonable sum, to be fixed by them, for legal and other expenses which may be incurred in connection with the sale thereof, and the board may sell any issue of said bonds at public or private sale, as may seem best. Payment of expenses. Sale of bonds.

Sec. 19. That section seventeen of chapter one hundred and thirty-five, Private Laws of one thousand nine hundred and five, be and the same is hereby repealed; the validity of any bonds issued under authority of said section shall not be affected by this repeal. Former powers abrogated.

Sec. 20. That section one of chapter one hundred and sixty-two, Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out after the word "for," in the ninth line of said section, and before the word "twenty," in the tenth line thereof, the words "an amount sufficient for the purposes aforesaid, but not exceeding." Tax rate.

Sec. 21. That the restrictions set forth in section two thousand nine hundred and seventy-seven of the Revisal of one thousand nine hundred and five shall not apply to any bonds heretofore issued or which may be hereafter issued for the purpose of establishing waterworks or electric plants for the town of Andrews, where the net revenue produced from the sale of water or electric current shall be partly or wholly sufficient to pay the interest on such bonds. Limitations.

Sec. 22. Any issue of bonds for the purposes herein authorized shall not be made unless the same shall be approved by a majority of the qualified voters in said town at a special election called by the board of aldermen and held for that purpose, in the way and manner provided in chapter seventy-three, Revisal of one thousand nine hundred and five. Bond issue to be approved by voters. Election.

Sec. 23. At such election all persons voting in favor of the issue of bonds as herein provided shall vote written or printed ballots bearing the words "For Electric Plant," and those opposed shall vote ballots bearing the words "Against Electric Plant." Ballots.

Sec. 24. The board of aldermen shall cause to be stated, in the call for any such special election, the amount of bonds to be voted upon and any other particulars concerning the same which may be deemed pertinent. Call for election: what to contain.

Sec. 25. Subsequent elections for the approval of any issue of bonds for the purposes herein authorized may be called at such times as may be ordered by the board of aldermen, although a previous election may have resulted unfavorably thereto. Subsequent elections.

Sec. 26. All laws and parts of laws, whether general or special, shall not be operative when in conflict with any of the provisions of this act, nor shall any such laws be held to modify or restrict any of the powers herein granted.

Sec. 27. Any surplus which may remain in the hands of the town treasurer out of the proceeds of said first issue of bonds, Use of surplus.

after paying for the property and material and the cost of construction of said electric plant and its appurtenances, may be used for the "necessary expenses" of said town, as permitted under section seven of article seven of the State Constitution.

Sec. 28. This act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 485.

AN ACT TO PROVIDE FOR THE ENLARGEMENT OF THE AULANDER GRADED SCHOOL DISTRICT, AND TO AUTHORIZE AN ADDITIONAL BOND ISSUE AND SPECIAL TAX.

The General Assembly of North Carolina do enact:

Aulander graded school district.

Section 1. That all territory lying within the corporate limits of the town of Aulander in Bertie County, and all that territory not embraced within said limits of said town, but lying contiguous

Boundary.

thereto and within the following boundaries, to wit: beginning at a point on the Hertford County line where said line joins the present line of Bertie County's Nichols School District, near A. C. L. Railroad crossing at the Williams place; thence following the line of the present Nichols School District in a westerly direction as it runs to the point of meeting with the line of the present Minton School District of Bertie County; thence along the line of the said Minton School District as it now runs to the Hertford County line; thence along said county line to the run of the Red Hole Branch; thence down the run of Red Hole Branch to the run of Ford Branch; thence down the run of Ford Branch to the run of Ahoskie Swamp; thence down the run of Ahoskie Swamp to the run of Turkey Swamp; thence up the run of Turkey Swamp to the county road at C. W. Mitchell's water mill; thence a southerly direction a straight line to the beginning, shall be and the same is hereby constituted a public school district to be known as the Aulander Graded School District.

Sec. 2. That the following named persons and their successors in office shall constitute the school board of the said Aulander

School board.

Graded School District, to wit: E. C. Harrell, J. H. Eure, W. S. Dunning, M. E. Rice, E. H. Horton, W. F. Dunning, J. Lawrence

Beginning of term.

Harrington, Herbert Jenkins, and W. H. Mitchell, who shall hold office from the date of the election herein provided, if said election

Term of office.

carries, and until their successors are elected and qualified. The term of office of the first three above named shall expire in two years; the term of office of the last three above named in three years, and the term of office of the others above named in one year.

Vacancies.

All vacancies on said board on account of expiration of term of

office shall be filled by the remaining members of the said board for the term of two years, and all vacancies for unexpired terms, by death, resignation, or otherwise, except as above stated, shall be filled by the remaining members of the board.

School board incorporated.

Sec. 3. That the said school board hereby created and their successors in office shall be a body politic and incorporate by the name and style of the "School Board of Aulander Graded School," and by that name shall be capable of receiving gifts and grants, purchasing and holding real estate and personal property, selling and mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school board shall be to them and their successors in office.

Corporate name.

Corporate powers.

Conveyances.

Exclusive control of schools and property.

Sec. 4. That the said school board shall have entire and exclusive control of the graded schools and all public school property in said Aulander Graded School District, and shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers annually, subject to removal by said board; shall make an accurate census of the school population of said district, as required by the general law of the State, and do all other things lawful for the proper management of said schools: *Provided*, that all children resident in said district between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges, and those desiring to be admitted as pay students may be admitted upon such terms as the said school board may direct.

Rules and regulations.

Employment and compensation of officers.

School census.

Proviso: free tuition for residents.

Pay students.

Election of treasurer.

Moneys paid to treasurer.

Sec. 5. That said school board shall annually elect one of their number as treasurer and custodian of all public school funds, and the public school money derived from the State and county for the benefit of said school district, and the same, together with the money arising from any special tax, gifts, grants, apportionments, or otherwise, shall be paid to and received by the treasurer of said school board, and the said treasurer shall report monthly to the said school board his receipts and disbursements and vouchers for the same. The money so received shall be held by the said treasurer as a fund to be disbursed only upon the order of said school board and signed by its chairman and countersigned by its secretary. The said treasurer shall furnish annually to said school board a statement in writing of his receipts and disbursements of the school money, properly indorsed and approved by the chairman and secretary of said school board. The bond required of said treasurer shall be fixed by the said school board in an amount sufficient to secure all school money which may at any time come into his hands, and the compensation for such service as treasurer shall not exceed the sum of fifty dollars annually.

Monthly reports.

Orders on school funds.

Annual statements.

Bond and compensation of treasurer.

Special tax.

Sec. 6. That for the purposes of this act the said school board of said district shall, and they are hereby authorized and empowered

to levy and cause to be collected annually a particular tax on all taxable property and on all polls in said district: *Provided*, said particular tax shall not exceed forty-five cents on the one hundred dollars valuation on all taxable property in said district and one dollar and thirty-five cents on each taxable poll in said district: *Provided*, the valuation of all property in said district shall be the same as that at which it is assessed for county and State purposes: *Provided*, that the taxes levied under this act shall be due, payable, and collectible in like time and manner as are the taxes for county and State purposes.

Proviso: limit of vote.

Proviso: valuation of property.

Proviso: collection of tax.

Tax collector.

Sec. 7. The said school board are hereby empowered, and it shall be their duty, to elect a suitable person to collect the taxes herein provided for, and shall fix a bond of such collector and shall fix his compensation: *Provided*, said compensation shall not exceed two and one-half per cent of the receipts of said taxes.

Bond and compensation.

Proviso: limit of compensation.

Bond issue authorized.

Amount.

Denomination.

Interest.

Maturity.

Sec. 8. That the school board herein provided shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding twelve thousand five hundred dollars ($12,500), of such denominations and of such proportion as said school board may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, as said school board may determine: *Provided*, that the said school board shall issue bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section nine of this act.

Proviso: bonds issued as required.

Use of proceeds of bonds.

Sec. 9. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said school board in providing, by purchase or otherwise, such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipments.

Use of taxes.

Sec. 10. That the taxes herein provided for shall be for the purpose of paying said bonds and interest on same and for the necessary expenses incident to said graded school.

Board to establish schools.

Apportionment of fund.

Sec. 11. That it shall be the duty of the said school board to establish public schools for the children of said school district; and said school board shall apportion and use the funds derived from the particular taxes herein provided for, and from all other sources, in such manner as to them may seem just.

Sale of bonds below par forbidden.

Sec. 12. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for less than their par value, nor shall said bonds nor their proceeds be used for any other purpose than that declared in section nine of this act.

Trustees to serve without pay.

Sec. 13. That no person serving as trustee for said graded school district shall receive any compensation for such service.

School board to order election.

Sec. 14. That it is hereby made the duty of the said school board of said district to order and provide for an election to be held in

the town of Aulander at a time to be named by said board, said election to be held under the laws and regulations governing elections for cities and towns, first making publication thereof in five public places in said school district, and shall appoint a registrar and two judges of election for the purpose of holding said election, and shall provide ballots without device for all voters in said district, on which shall be written or printed the words "For Bond Issue and Special Tax" and the words "Against Bond Issue and Special Tax," and the officers of said election shall canvass the vote and certify the returns to the school board of said graded school district, which shall be duly recorded in the records of said school board; and if said returns show that at such election a majority of the qualified voters of said district voted "For Bond Issue and Special Tax," then the provisions of this act shall be in full force and effect, and it shall operate as a repeal of chapter one hundred and seventy-six of the Private Laws of one thousand nine hundred and five; but if the returns of the officers of said election shall show that in said election a majority of the qualified voters in said district voted "Against Bond Issue and Special Tax," then this act shall be null and void, and chapter one hundred and seventy-six of Private Laws of one thousand nine hundred and five shall be in full force and effect and in no wise affected by this act.

Law governing election.
Notice of election.
Election officers.
Ballots.
Canvass and return of votes.
Act effective on vote of majority of qualified voters.

Sec. 15. That all laws and clauses of laws in conflict with this act are hereby repealed: *Provided, nevertheless*, that this act shall not have the effect of repealing the provisions of chapter one hundred and seventy-six of the Private Laws of one thousand nine hundred and five, unless a majority of the qualified voters of said district shall vote in favor of the bond issue and special tax as hereinbefore provided at the election hereinbefore provided for.

Repealing clause.
Proviso: effect of appeal.

Sec. 16. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 486.

AN ACT FOR THE RELIEF OF J. T. BEST, SHERIFF OF COLUMBUS COUNTY.

Whereas, under a law passed by the General Assembly of North Carolina, fixing the salaries of the officers of Columbus County on and after April first, one thousand nine hundred and thirteen; and whereas the present Sheriff of Columbus County, J. T. Best, was elected and inducted into office on December first, one thousand nine hundred and twelve, and will have served, by April first, one thousand nine hundred and thirteen, the time the said salary law goes into effect, four months on a fee basis; and whereas the

Preamble.
Preamble.
Preamble.

Sheriff of Columbus County derives most of his compensation under the fee system from the commissions on the collection of
Preamble. taxes; and whereas the ex-Sheriff of Columbus County has the tax books of one thousand nine hundred and twelve in his charge
Preamble. and is getting the commissions on the collection of same; and whereas J. T. Best is deriving no compensation for his services as sheriff except a very small amount of fees on papers served by him, and will not get reasonable compensation until after the said salary law becomes effective: Now, therefore,

The General Assembly of North Carolina do enact:

Payment authorized. SECTION 1. That the county commissioners of Columbus County be authorized and directed to pay to J. T. Best, sheriff of said county, the sum of one hundred and twenty-five dollars per month from the time the said J. T. Best was inducted into office, to wit, December first, one thousand nine hundred and twelve, until the said salary law becomes effective, to wit, April first, one thousand nine hundred and thirteen.

Payment from general fund. SEC. 2. That the county commissioners of Columbus County are hereby authorized to pay the said sum out of any moneys in the general county fund.

SEC. 3. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 487.

AN ACT TO AMEND CHAPTER 117, PRIVATE LAWS OF 1907, RELATIVE TO MARKET-HOUSE BONDS FOR THE CITY OF ELIZABETH CITY, N. C.

The General Assembly of North Carolina do enact:

Purposes of bond issues. SECTION 1. That chapter one hundred and seventeen, Private Laws of one thousand nine hundred and seven, be and the same is hereby amended by striking out all after the words "market house" in line three and before the word "and," in line four of section one, and by striking out all after the word "Elizabeth City," in line six of section one.

Location. SEC. 2. Amend further by striking out section three of said chapter.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 488.

AN ACT TO INCREASE THE SPECIAL SCHOOL TAX FOR THE KING'S MOUNTAIN GRADED SCHOOL DISTRICT, AFTER SUBMITTING SAME TO AN ELECTION, AND PROVIDING FOR AN ELECTION ON THE QUESTION OF ENLARGING SAID GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of King's Mountain is hereby required to submit to the qualified voters of the King's Mountain Graded School District at an election to be held the first Tuesday in April, one thousand nine hundred and thirteen, the question of whether, in lieu of all special school taxes in said district now being imposed and collected, a tax of forty cents on the one hundred dollars valuation of property and one dollar and twenty cents on the poll shall be laid and collected. Tax rate to be voted on. Date of election. Rate named.

Sec. 2. At said election those favoring the levy of said forty-cent tax and the one dollar and twenty cents poll shall vote a written or printed ballot with the words "For Forty-cent Tax" thereon, and those opposed to the levy of such tax shall vote a written or printed ballot with the words "Against Forty-cent Tax" thereon. Ballots.

Sec. 3. If a majority of the votes cast at said election, being a majority of those qualified and registered for same, shall be in favor of said forty-cent tax, it shall be the duty of said board of town commissioners to levy annually at the same time and in like manner as municipal taxes are levied, a rate of tax sufficient for the needs of said graded school, not exceeding, however, forty cents on the one hundred dollars valuation of property and one dollar and twenty cents on the poll on all property and polls listed in said King's Mountain Graded School District; and said taxes shall be collected in like manner as municipal taxes are collected, and shall be kept separate and apart from other taxes by the treasurer of the town of King's Mountain, who shall pay out the same only on warrant drawn by the chairman of the board of trustees of the King's Mountain Graded School District, countersigned by its secretary; and the board of town commissioners shall require of the tax collector and of the treasurer sufficient bonds for the faithful discharge of their several duties in connection therewith. And the valuation of property for State and county taxation shall be taken as the valuation for purposes of the levy of this tax. Vote authorizing levy. Commissioners to levy tax. Limits of rate. Tax kept separate. Warrants for payment. Bonds of tax collector and treasurer. Valuation of property.

Sec. 4. That for the purpose of such election the board of town commissioners at a meeting the first Monday in March, one thousand nine hundred and thirteen, shall appoint a registrar and two judges of election, and shall determine the voting place of said Appointment of election officers. Polling place.

Advertisement. election, and shall within three days thereafter advertise said appointments and place at three public places in the town of King's Canvass of returns. Mountain; and it shall be the duty of said board to meet the day following the election and canvass the returns of the election and Registration. declare the result thereof. The registrar appointed by said board shall within three days after his appointment open registration books and keep same open between the hours of ten o'clock a. m. and three o'clock p. m. of each day, Sundays excepted, to and New registration. including Saturday before said election; and a new registration of voters for said election is hereby declared and ordered, and only such shall be permitted to vote in said election who register for said election, and only those shall be qualified to register and vote who are residents of said King's Mountain Graded School District, and who are qualified to register and vote in the State and county elections of Gaston and Cleveland counties.

Law governing election. Sec. 5. That the laws governing municipal elections shall be applicable to said election as far as not inconsistent herewith.

Nonresident pupils. Sec. 6. If said election shall result in favor of the forty-cent tax, it shall thereafter be unlawful for the board of trustees to admit to said graded school pupils from without the graded school district, except such as pay or satisfactorily secure for payment a tuition to be fixed by the said board of trustees, which shall not be less than the per capita proportion to each pupil of the cost of maintaining said graded school.

Sec. 7. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

Petition for election on enlargement of district. Sec. 9. That for the purpose of deciding whether the territory lying outside of the King's Mountain Graded School District and within the King's Mountain Free School District shall be brought within the King's Mountain Graded School District, whenever a petition signed by twenty-five voters, resident within said territory, shall be presented to the board of county commissioners of Cleve- County commissioners to order election. land County, praying for an election on said subject, it shall be the duty of said board of commissioners at any regular meeting, when such petition is presented, to call an election thereon at a time not later than sixty days thereafter, and to designate the Election officers. polling place for said election, and to appoint a registrar and two judges of election for same, and to make advertisement thereof in some newspaper having circulation in said territory, and at Registration. three public places therein. Registration books for said election shall be kept open from ten o'clock a. m. to three o'clock p. m. of each day, Sundays excepted, ending Saturday before the election New registration. and beginning Monday of the fourth week before same; and a new registration for such election and each succeeding election provided for herein is declared and ordered, and those resident within said territory and qualified to register and vote in the

State and county elections of Cleveland and Gaston counties shall be permitted to register and vote in said election. Said board of commissioners shall canvass and declare the result of said election, according to the majority of the qualified registered votes cast, at their next regular meeting after said election. The general election law of the State shall apply to said election as far as not inconsistent herewith. Canvass of result. Law governing election.

Sec. 10. At said election those favoring the said annexation of said territory to the King's Mountain Graded School District shall vote a written or printed ballot with the words "Graded School" thereon, and those opposing such annexation shall vote a written or printed ballot with the words "Against Graded School" thereon; and if the majority of the votes cast at such election, being a majority of the registration for same, shall be in favor of graded schools, it shall thereafter be the duty of the board of town commissioners at the same time as other taxes are levied for said graded school, to levy a like tax upon all property and polls in said territory, and, at the same time as the graded school bond tax is laid, to levy a like tax upon all property and polls in said territory, and said taxes shall be collected by the tax collector of the town of King's Mountain with the same powers and under the same bond as he now collects said taxes within the town of King's Mountain. It is the purpose of this act, if said election results favorably to graded schools, to place said territory under the same duties and obligations as regards the special school taxes and the graded school bond taxes as the residents of the town of King's Mountain are under, and to extend to said territory all the privileges appertaining to said graded schools as the town of King's Mountain has in the premises, and thereafter no distinction shall be made in the requirements for admission or attendance of those living within or without the town of King's Mountain residing within said graded school district. Ballots. Tax if vote favors extension. Purpose of act.

Sec. 11. That nothing in this act shall affect the boundaries of the East King's Mountain Graded School District nor affect in any wise its rate of taxation nor management. East Kings Mountain graded school district.

Sec. 12. That the powers and duties in respect to the election provided for herein shall remain and be vested in the board of county commissioners of Cleveland County to call such election at any time that the petition provided for is presented, and if elections are called and had and same shall result adversely to graded schools, it shall be its duty, after the expiration of one year from the time of any election had, to call again such election on being petitioned so to do as provided for herein. Further elections.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 489.

AN ACT TO AMEND THE COMPULSORY SCHOOL LAW IN ANDREWS SCHOOL DISTRICT IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Obstruction to enforcement of act misdemeanor.

Section 1. That section ten of chapter one hundred and eighty-two, Private Laws of one thousand nine hundred and five, be amended by adding the following to said section: "If any person, not the parent or guardian, shall interfere with or obstruct the enforcement of the foregoing provisions, by persuasion or the giving of employment to any child between the ages of seven and sixteen years, during school hours, the person so offending shall be guilty of a misdemeanor, and upon conviction therefor shall be subject to a fine of two dollars and costs for each offense. It shall be the duty of the truant officer to investigate all such offenses, and if in his opinion there does not exist a reasonable excuse therefor, he shall forthwith make complaint against all such offenders before some justice of the peace. All children subject to the provisions of this act shall be present in the schoolroom during not less than four hours of the time in which school is in session in order to constitute a day's attendance."

Punishment.

Truant officer to investigate and file complaints.

Day's attendance.

Sec. 2. That all laws in conflict with the provisions of this act shall not be operative in Andrews School District.

Sec. 3. That this act shall be in full force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 490.

AN ACT TO EXTEND THE LINES AND BOUNDARIES OF POWELLSVILLE GRADED SCHOOL DISTRICT OF BERTIE COUNTY SO AS TO INCLUDE IN SAID DISTRICT A PART OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

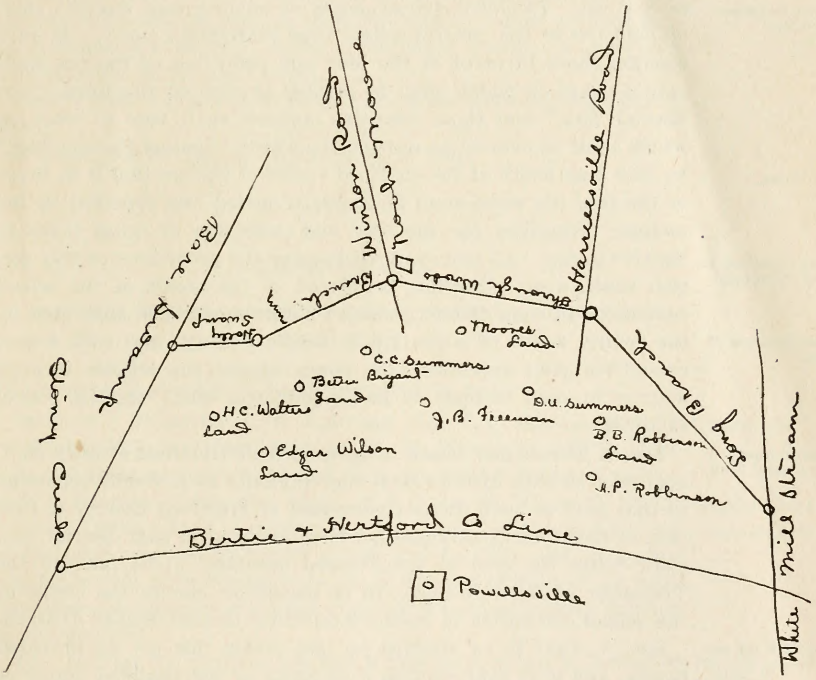
Lines extended.

Section 1. That the lines and boundaries of Powellsville Graded School District of Bertie County be and the same are hereby extended so as to include that part of Hertford County hereinafter described as follows, to wit: Beginning where the Long Branch enters the White Mill stream, thence along said branch to the Harrellsville Road, thence a straight course through the woods to the Winton Road south of Noah Moore's fence, thence down a small branch to the Holly Swamp, thence down said swamp to the Bear Swamp, thence up said swamp to Stony Creek, thence

Boundary.

up said creek to where the Bertie and Hertford County lines intersect, the aforesaid lines to be established so as to include within said lines the lands of B. B. Roberson, A. P. Roberson, D. V. Sessoms, J. B. Freeman, the Moore land, C. C. Sessoms, Bettie Bryant, Edgar Wilson, and H. C. Watters, a plat of which said part of Hertford County is hereto annexed, marked "Exhibit A" and made a part of this act.

Exhibit A.



Sec. 2. That said district shall be known as the Powellsville Graded School District and the lines and boundaries of said district in Bertie County shall remain as they were prior to the passage of this act, except in so far as it is necessary to change the same in order to include in said district that part of Hertford County described in section one of this act. Powellsville graded school district.

Sec. 3. Upon a petition of one-fourth of the freeholders of Powellsville Graded School District as herein defined, indorsed by the county board of education of Bertie County, the board of commissioners of Bertie County, after thirty days notice at the courthouse door of Bertie County and three public places in the said Powellsville Graded School District, shall hold an election to ascertain the will of the people within said Powellsville Graded School Dis- Election for special tax.

trict whether there shall be levied in such district a special annual tax of not more than twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on the poll to supplement the public school fund which may be apportioned to such district by the county boards of education of Bertie and Hertford counties, in case such special tax is voted. The board of county commissioners of Bertie County shall appoint a registrar and order a new registration for such district, and the election shall be held in the district under the law governing general elections as near as may be: *Provided*, the expenses of holding said election shall be paid out of the general school fund of Bertie County. At such election those in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes in Bertie County. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the school committee in such district, which committee shall be appointed by the county board of education of Bertie County; and such school committee shall apportion the money among the schools in such district in such manner as in its judgment shall equalize school facilities.

Election officers.
New registration.
Law governing election.
Proviso: expense of election. Tickets.
Levy of tax.
Moneys credited to school committee.
Apportionment of funds.

Sec. 4. The county board of education of Hertford County shall apportion to such district such sum annually as it would apportion to that part of such district composed of Hertford County if that part of Hertford County had not been included in said district, and shall cause the sum so apportioned annually to be paid to the Treasurer of Bertie County, to be placed by him to the credit of the school committee in such Powellsville Graded School District.

Apportionment from general fund.

Sec. 5. That if an election be had under this act as provided herein, and if at said election a majority of the qualified voters of said Powellsville Graded School District shall fail to vote "For Special Tax," then this entire act shall be and become null and void and said district shall be and remain as it was prior to the passage of this act.

Act void if tax not voted.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 491.

AN ACT TO EXEMPT ANDERSON DOUGLAS, A ONE-ARMED EX-CONFEDERATE SOLDIER OF YADKIN COUNTY, FROM LICENSE TAX ON ACCOUNT OF PHYSICAL INFIRMITY.

The General Assembly of North Carolina do enact:

Section 1. That Anderson Douglas, a one-armed ex-Confederate soldier of Yadkin County, be and he is hereby permitted to exhibit and conduct a moving-picture show in Yadkin County without paying a license tax therefor, either to the State, county, or any incorporated town in Yadkin County. Relief from license tax.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 492.

AN ACT TO INCORPORATE THE CONCORD PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. That Mrs. L. D. Coltrane, Mrs. J. C. Gibson, Mrs. W. W. Flowe, Rev. C. P. McLaughlin, W. W. Morris, and L. T. Hartsell, and their successors, be and they are hereby declared to be a body corporate under the name and style of "Concord Public Library," with power to receive and hold gifts, grants, and devises of real and personal property, to sue and be sued, and to do any and all lawful acts necessary to carry out the objects of its creation, and shall possess all other rights and powers usually incident to corporations. Corporators. Corporate name. Corporate powers.

Sec. 2. That the purpose for which this corporation is formed is to conduct a free public library for the advancement of morality and learning and the promotion of education among the citizens of Concord, North Carolina. Purpose of corporation.

Sec. 3. That the said trustees herein named shall hold their office until the regular meeting in the month of June, one thousand nine hundred and thirteen, of the board of aldermen of the city of Concord, when said board of aldermen shall elect two trustees for two years, two for four years, and two for six years, and shall at their regular meeting in June every two years thereafter elect two trustees to serve for six years and until their successors are elected and qualified. That said trustees shall serve without pay and shall be residents of the city of Concord. The said board of aldermen shall have power to remove any trustees for incapacity or other unfitness or for failure to discharge the duties as such trustee, and Term of trustees. Election of successors. Trustees to serve without pay. Residents of Concord. Removal for cause.

Vacancies.

all vacancies, however caused, shall be filled by the board of aldermen for the unexpired term.

Organization.

Sec. 4. That the trustees shall elect a president, a secretary and a treasurer, which two last mentioned offices may be filled by the same person if said trustees so desire; and said trustees shall adopt such by-laws, rules and regulations as may seem best for the government of themselves and of the library; and shall have entire control of the library and of the expenditures of all moneys belonging to the corporation.

By-laws, rules and regulations.

Control of library and expenditures.

Appropriation authorized.

Sec. 5. That said board of aldermen of the city of Concord is hereby authorized and directed to appropriate out of its general fund two per centum of the total amount of taxes collected for said general fund each year with which to aid in paying the running expenses of said library, and for such other purposes as the trustees shall direct.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 493.

AN ACT TO INCORPORATE THE "CITIZENS' LEAGUE OF MECKLENBURG COUNTY," ESTABLISHING REFORMATORIES FOR MEN AND WOMEN.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. A. Durham, W. S. Alexander, Heriot Clarkson, E. T. Cansler, J. B. Ivey, E. M. Cole, W. H. Belk, W. C. Dowd, R. C. Carson, J. C. McNeely, J. R. Alexander, W. R. Wearn, J. R. Pharr, E. L. Keesler, J. A. Fore, P. S. Gilchrist, J. W. McClung, B. F. Withers, H. M. Wade, R. L. Patterson, R. M. Ranson, R. L. Womack, J. H. Ross, E. C. Mason, and F. C. Abbott, trustees and directors, and their successors, be and they are hereby incorporated under the name and style of "The Citizens' League of Mecklenburg County," by which name they may sue and be sued, plead and be impleaded, hold, use, and sell and convey real estate, receive gifts and donations and appropriations, and do all things necessary and requisite for the purposes of its organization as hereinafter specified.

Corporate name.

Corporate powers.

Trustees classified.

Term of office.

Vacancies.

Sec. 2. The trustees above named shall be divided into three classes: (1) nine to serve six years; (2) eight to serve four years; and (3) eight to serve two years. Whenever a vacancy shall occur in said board of trustees by death, resignation, expiration of term, or otherwise, the said board shall elect a member to fill such vacancy: *Provided*, that any trustee so chosen to fill a vacancy occurring otherwise than by expiration of term shall

Proviso: terms of office.

be elected to serve only until the expiration of said term; and any trustee chosen to fill a vacancy occurring by expiration of term shall be elected to serve two years.

Land to be purchased. Limitation of location.

Sec. 3. The said directors and trustees are hereby empowered to purchase two tracts of land in Mecklenburg County, each to be one mile distant from the corporate limits of any town or city, and to be at least two miles distant each from the other, whereon to erect, operate, and maintain buildings for the following purposes:

Buildings.

Institution for cure and reformation of inebriates and habitués of drug. Moral and industrial development. Committals to institution.

1. As an institution for the cure and reformation of habitual drunkards and inebriates and the drug habit (as provided for in Constitution, article eleven) and for their moral and industrial development by teaching useful arts and trades; and the said trustees may, in their discretion, receive into said institution such inebriates and habitual drunkards and such addicted to the drug habit as shall be committed thereto by the clerk, judge, or other presiding officer of any Superior, recorder's, or magistrate's court having civil or criminal jurisdiction within that judicial district within which Mecklenburg County is now or may hereafter be situated: *Provided*, that no woman shall be committed to said institution.

Proviso: no committals of women.

Institution for correction of fallen women.

2. An institution or home for the correction of fallen women, and for the moral and industrial training of criminally delinquent women and girls by teaching them useful trades and domestic sciences, etc., and the trustees may, in their discretion, receive into said institution such women or girls as shall be committed thereto by the judge or other presiding officer of any Superior or recorder's court within that judicial district in which Mecklenburg County is now or may hereafter be situated, as hereinafter provided.

Committals to institution.

Right to keep, restrain, and control inmates.

Sec. 4. The board of trustees shall have the sole right to keep, restrain, and control the persons committed or otherwise received into either of said institutions as hereinafter provided, during the term of their commitment thereto, under such proper and humane rules and regulations as may be adopted by said trustees.

Management and control of institutions. Superintendents and assistants.

Sec. 5. The board of trustees shall have the management and control of said two institutions, and shall have authority to employ superintendents and such other assistants as they may deem necessary; to fix their salaries, to define their duties, and to discharge any employee; and to make any and all rules and regulations as they may deem necessary for the management and conducting of said institutions under the provisions of this act and not inconsistent therewith.

Rules and regulations.

Power in superintendents to require and enforce obedience.

Sec. 6. The superintendents of the said two institutions employed by the board of directors or trustees shall have the right and are hereby authorized to require obedience from all the inmates of the said two institutions, and to use such lawful measures as may be necessary to enforce the same, to the same extent as the superin-

tendent of any other penal institution in this State is empowered in like case.

Clerks of courts to be notified of readiness of institutions. Sentences to institution for inebriates authorized.

Sec. 7. When said institutions, or either one of them, are ready to receive and care for inmates, the board of trustees shall notify the clerks of the courts hereinbefore specified thereof; and the clerks, judges, or other presiding officers of the Superior, recorder's, or magistrate's court or other courts having criminal jurisdiction in that judicial district in which Mecklenburg is now or may hereafter be situated shall have authority to sentence to the said "Institution for Inebriates" for a term of not less than thirty days nor more than six months all those men who are convicted in their several courts of drunkenness or the drug habit where it appears that they are habitual drunkards or drug fiends; and the said judges or other presiding officers of said courts shall have authority to sentence to the said "Reformatory for Women" for a term of not less than thirty days nor more than three years all female persons convicted in the said courts of any violation of the criminal laws of this State prohibiting and punishing fornication and adultery, keeping a house of ill-fame, or a bawdy-house, or disorderly house, or violating the criminal laws of this State as to chastity: *Provided*, that such judge or other presiding officer as aforesaid shall be of the opinion that it would be best for such persons and the community in which such persons may be convicted that such persons be so sentenced. Any commitment hereunder, whether by judge or other presiding officer as hereinbefore provided, shall be full, sufficient, and competent authority to the officers and agents of said institutions for the detention and keeping therein of the persons so committed: *Provided*, that nothing herein shall authorize a justice of the peace to impose a sentence of longer than thirty days.

Sentence to reformatory for women.

Proviso: sentence in discretion of court.

Commitment authority to officers.

Proviso: sentence by magistrate.

Persons admitted on their own request.

Sec. 8. Any person fulfilling the requirements as to sex and age as hereinbefore provided may, upon written application to the trustees, setting forth that the applicant wishes to reform, and the term for which said applicant wishes to be detained, may be admitted to either of said institutions, in the discretion of the board of trustees; and any inmate so admitted shall be subject to the same restraint, control, and treatment as persons committed thereto, and such applications signed by said applicants shall be full and sufficient authority for the detention and control of said applicants in said institutions for and during the full term as set out in the said application: *Provided*, that the trustees may, in their discretion, discharge any inmates so admitted at any time.

Control and treatment of voluntary inmates.

Application authority to officers.

Proviso: discharge of voluntary inmates.

Annual reports.

Sec. 9. The board of trustees shall at least once a year file with the board of county commissioners of Mecklenburg County a full and detailed report of said institutions, together with the superintendent's reports thereon, and it shall be the duty of the grand jury to personally visit and inspect said two institutions once every six months, and report to the court the conditions prevailing therein.

Inspections by grand jury.

Report to governor as to inmates becoming ungovernable.

Sec. 10. That in the event that it shall appear to the said board of directors that any inmate of the said institutions is or becomes ungovernable, or is exerting an unwholesome influence over any other inmate of said institutions, it shall be their duty to certify the same to the Governor of this State, and he thereupon may order such inmate to the State's Prison or to the county jail or to the workhouse in the county in which said inmate was convicted and sentenced, where such person shall serve out his or her unexpired term of imprisonment.

Order for removal.

Officers to receive persons committed.

Sec. 11. That the officers of the said institutions shall take into them all persons committed thereto by competent authority and shall cause all such persons to be instructed in such rudimentary branches of useful knowledge as may be suited to their various ages and capacities, and said persons shall be taught such useful trades and occupations as the board may direct; and such persons shall perform such labor as the principal and other superintending officers, subject to the direction of said board of directors, may order. All inmates of said institutions shall, if possible, be taught the precepts of the Holy Bible, good moral conduct, how to work and be industrious.

Instruction.

Labor.

Religious and industrial instruction.

Work of inmates.

Sec. 12. That there shall be established and conducted on such lands as may be owned in connection with institutions such useful pursuits as said board of directors may deem expedient so as to keep regularly at work all able-bodied inmates thereof, and as far as may be practicable said board of directors shall assist said inmates when paroled or discharged in procuring suitable homes and honorable and respectable employment.

Assistance to paroled or discharged inmates.

Detention of persons committed.

Sec. 13. That said board of directors of said institutions may detain therein, under the rules and regulations adopted by them, any person legally committed thereto, according to the terms of sentence and commitment; and with the approval and concurrence of the Governor of this State first had and obtained, may conditionally parol or discharge such person at any time prior to the expiration of term of commitment. If, however, any inmate shall escape or be conditionally paroled, or be conditionally discharged from said institutions as aforesaid, and violate and break the condition of his or her parol or conditional discharge, the said board of directors may, by and through their superintendent, cause him or her to be rearrested and returned to said institutions, to be retained therein for the unexpired portion of the commitment, dating from the time of the escape or parol or conditional discharge. The superintendent of said institutions, or any employee of said institutions under his control and direction, may rearrest, without a warrant, any inmate of said institutions who may have escaped therefrom, in any county of this State, and shall forthwith convey him or her back to said institution from which he or she escaped; and a justice of the peace or any judicial officer may cause an escaped inmate from said institutions to be

Conditional parol or discharge.

Rearrest on breach of conditions.

Rearrest without warrant by superintendent or any employee.

Order for rearrest.

Rearrest on warrant.

rearrested and held in custody until he or she can be removed back to said institution as in case of the first commitment thereto. Any person conditionally paroled or conditionally discharged from said institution may be also rearrested and returned thereto upon a warrant issued by the chairman of said board of directors, said warrant specifying briefly and stating the reason for such rearrest and return, and such warrant of rearrest shall be directed and delivered to a person employed by said board of directors, and may be executed by said person in any county of this State where said paroled or conditionally discharged inmate may be found.

Delivery and execution of warrant.

Medical treatment.

Sec. 14. That for the purpose of treating the inmates of said institutions for the whiskey, drug, or other habit or disease, the directors or trustees shall employ a competent physician or physicians to attend and treat said inmates.

Appropriations authorized.

Sec. 15. That the board of aldermen or other governing body of the city of Charlotte, and the board of county commissioners of Mecklenburg County, shall have the power and authority, and same is hereby conferred upon said authorities, to make from time to time such reasonable appropriations as they may deem advisable out of any funds not otherwise appropriated to assist in the erection and maintenance of said two institutions.

Commitment by clerk of superior court.

Sec. 16. That the clerk of the Superior Court shall have power and authority to commit to said institution for treatment any person found by such clerk to be a habitual drunkard or habitually addicted to the drug habit as such clerk is now authorized by chapter ninety-seven of Revisal one thousand nine hundred and eight to commit to the hospital for the insane, private hospital, persons adjudged to be of unsound mind, and to that end such clerk of the court shall have all the power and authority conferred upon them by said chapter with reference to insane persons.

Powers of clerk.

Powers of general assembly.

Sec. 17. That nothing in this act shall prevent the General Assembly from altering, changing, and modifying the law and regulations governing said institutions and their officers and directors in such manner and at such time as it may deem best.

Sec. 18. That all laws and clauses of laws repugnant to or inconsistent with the provisions of this act be and the same are hereby repealed.

Sec. 19. That this act shall take effect and be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 494.

AN ACT TO PROTECT THE PUBLIC HEALTH IN THE TOWNS OF ANDREWS AND MURPHY, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Purchase of sanitary appliances and employment of plumbers authorized.

Section 1. That for the purpose of protecting the public health, for improving the town's sanitary condition, and to enable householders of moderate means to procure sanitary plumbing at a low cost, the boards of aldermen of the towns of Andrews and Murphy shall have authority to purchase sanitary toilet fixtures and appliances in quantities at wholesale prices, and may employ skilled plumbers by the day or month to do and superintend the installation of sanitary plumbing in or near the dwelling-houses located in said towns, and upon the application of the owners thereof, as hereinafter provided.

Application of householders.

Sec. 2. Upon application of the owner of any house, located upon a street through which sewer and water pipes are already laid, or upon the application of any three or more owners of houses located upon a street without sewers and water pipes, which application shall specifically describe the property intended to be improved, and the kind of sanitary fixtures and appliances desired, the boards of aldermen of said towns shall have authority to make the necessary sewer and water connections into each of the said houses, and upon the lots upon which they are situated, and may install in said houses or upon said properties one or more sanitary toilets using water for flushing, kitchen sinks, and such other sanitary conveniences and plumbing as may be requested in such applications. The boards of aldermen of said towns shall purchase only first-class material, and shall direct that only first-class workmanship shall be used in the installation of said sanitary appliances, but the said boards shall not be responsible for any defect which may appear, either in the material or workmanship, after installation or acceptance of the house owners.

Sewer and water connections.

Installment of sanitary conveniences.

Material and workmanship.

Responsibility of town.

Cost of material and installation.

Cost a lien on property.

Priority of liens.

Collection.

Sec. 3. The boards of aldermen of said towns shall have the right to charge and collect from each house owner the actual cost and expenses incurred by said boards for all material and work inside his private property line, including the special connections from the property line to the street mains, and all costs and expenses to the said boards of aldermen shall be and remain the first lien until paid, upon each of said lots and houses located thereon, and said liens shall have priority over all other liens of whatever nature, and may be added to the town taxes assessed against each of said houses and lots, and collected at the same time and in the same manner as other town taxes are collected, or as hereinafter provided.

Payment in monthly installments.

Sec. 4. Any house owner, if he so elect, and shall so request when the work is finished, shall have the privilege of paying for said material and work in monthly installments, with interest thereon. Said installments shall not be less than two dollars, payable monthly, and if the total cost exceeds twenty-four dollars, at least one dollar shall be added to each monthly installment for every twelve dollars or part thereof which said installation may cost over and above twenty-four dollars.

Amount of installments.

Equipment for use of electricity.

Sec. 5. The boards of aldermen of said towns shall have the authority to furnish material and fixtures for wiring houses and otherwise equipping them for the use of electricity from the municipal generating plants, and may collect for the costs and expenses of installing the same, and the said boards of aldermen shall have the same liens upon each piece of property improved, with the same rights of enforcing the said liens and collecting the amount due with interest, as are provided in section three of this act.

Collection of and lien for cost.

Privilege of house owner.

Sec. 6. Any house owner may have the privilege of paying for electric wiring and fixtures by monthly installments, as provided in section four of this act.

Sale of property for payment.

Sec. 7. The boards of aldermen of said towns, if payment of any bill or installment thereof for material or work furnished as herein provided shall be in default for six months, may advertise the property for sale in thirty days and have the same sold at public auction for cash, and out of the proceeds of said sale pay all costs of sale, including advertising, and the amount due the said boards of aldermen, and pay over the remainder to the owner of the property.

Option of house owners.

Sec. 8. That nothing in this act shall be construed as preventing any house owner from employing his own plumber and buying his own material, and connecting his fixtures with the town mains or wires: *Provided*, the same is done in a safe and workmanlike manner and in compliance with such reasonable rules and regulations as may be prescribed by the said boards of aldermen.

Sec. 9. That this act shall be in force from and after June the first, nineteen hundred and thirteen.

Ratified this the 3d day of March, A. D. 1913.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, June 20, 1913.

I, J. BRYAN GRIMES, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. BRYAN GRIMES,
Secretary of State.

NOTE.

In 1909, the General Assembly of North Carolina passed an act entitled "An act to amend section 5349 of the Revisal of 1905, and provide for the classification and publication of the acts of the General Assembly into Public, Public-Local, and Private Laws."

In compliance with this law, the acts of 1913 have been classified into Public, Public-Local, and Private Laws. All laws of State-wide application have been classed as public; laws of a public nature, but of only local application, have been classed as public-local; and all charters and laws in relation to cities and towns are classed as private.

J. BRYAN GRIMES,
Secretary of State.

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